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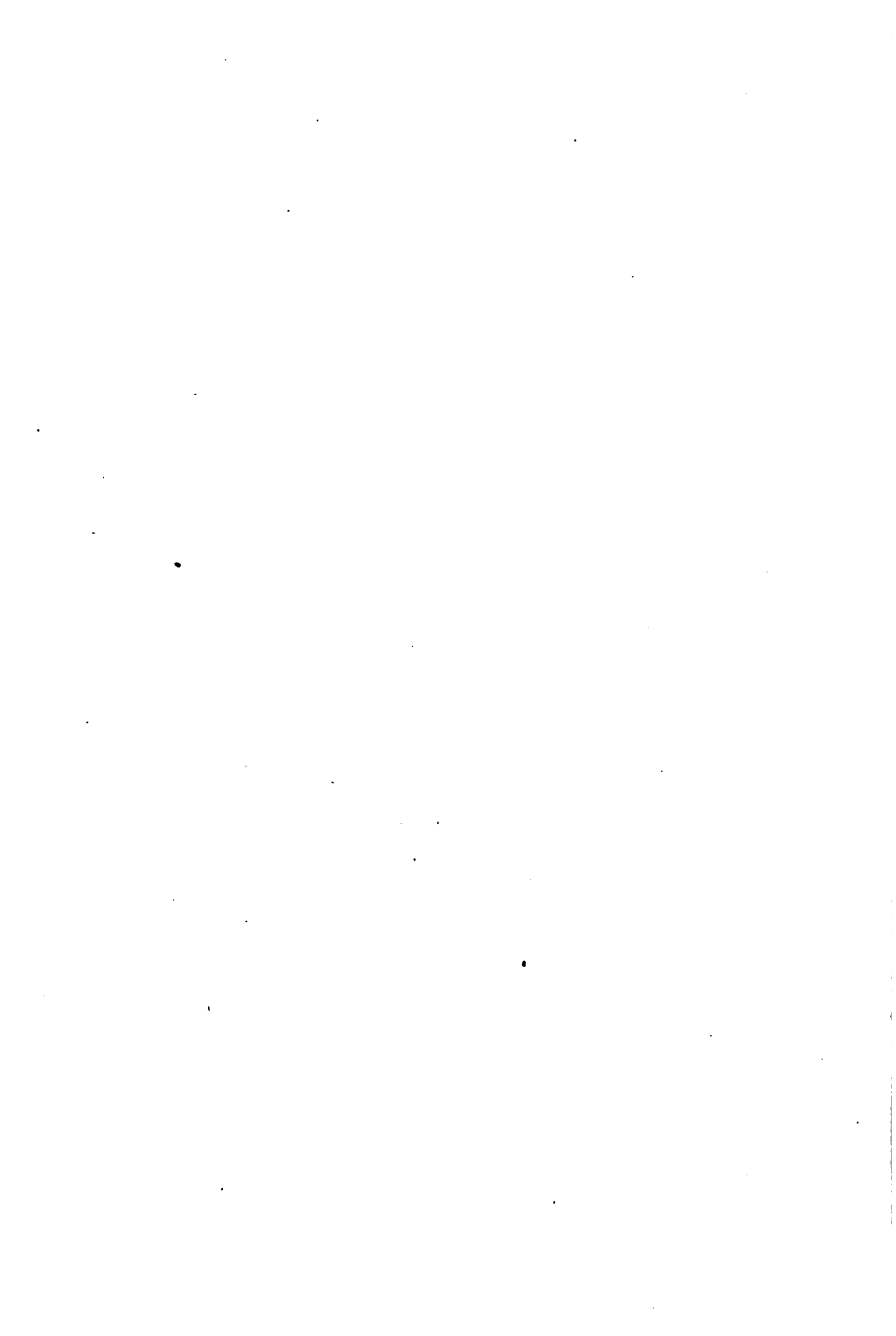
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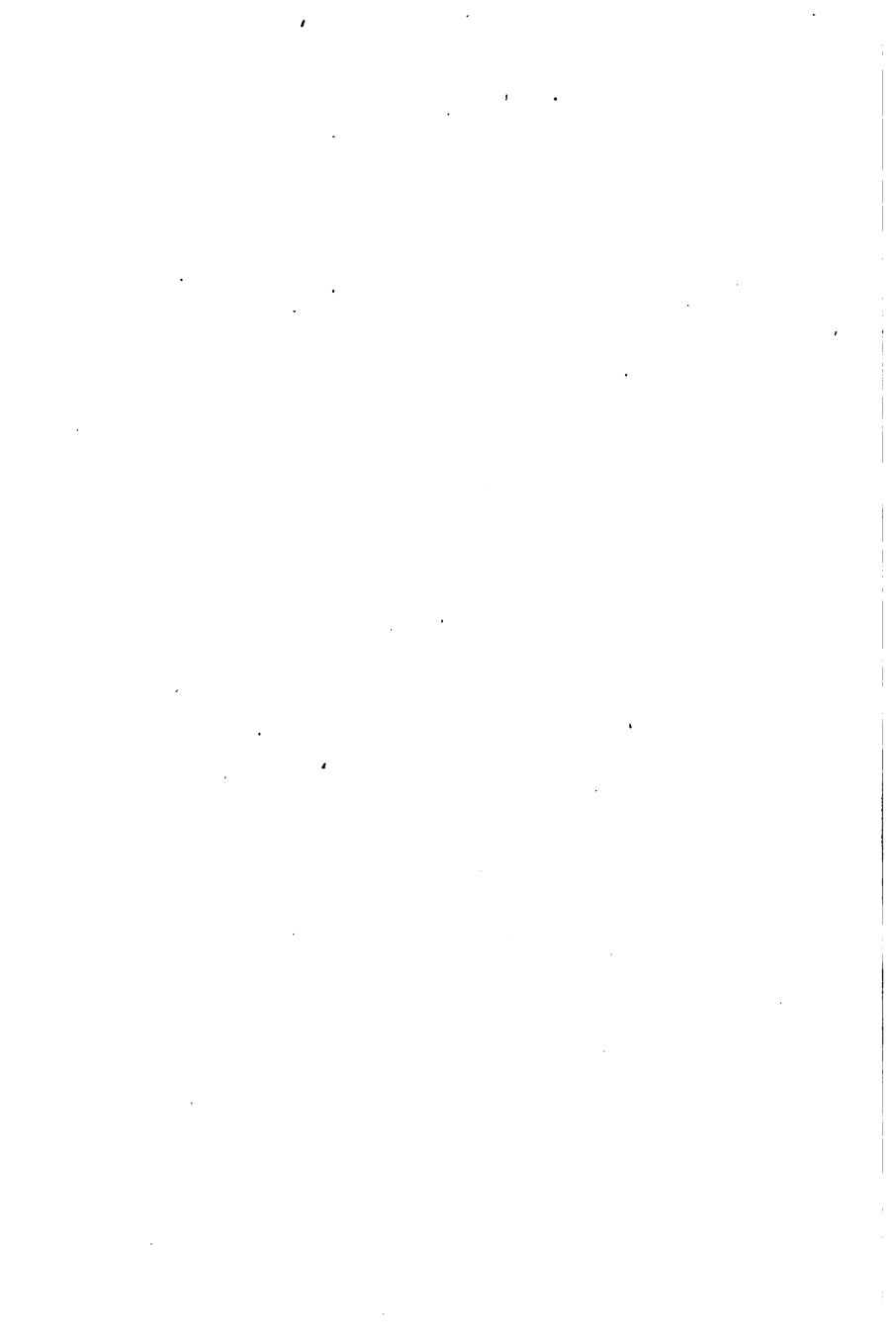
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Civil Government in the Philippines

BY

DUDLEY O. MCGOVNEY,

*Teacher of History and Civil Government in the
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PREFACE.

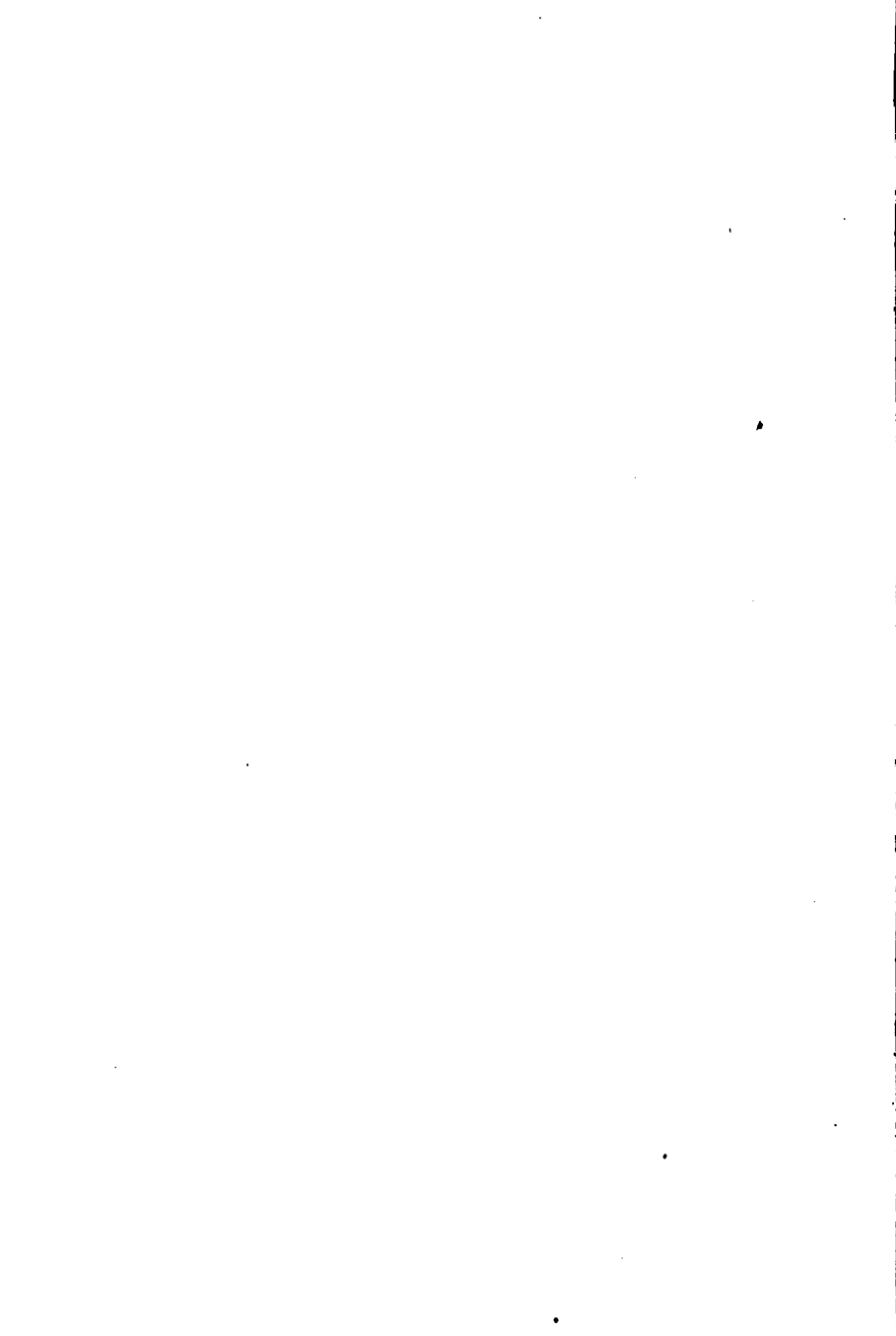
The importance of giving instruction in the public schools, upon the subject of civil government, can hardly be overestimated.

Every child before he leaves the public school should be taught the general plan of the government under which he lives. This knowledge not only creates in his mind a loyalty to his government, but enables him more perfectly to comply with the duties of citizenship.

I have read the manuscript of "Civil Government in the Philippines," by Dudley O. McGovney, with some degree of care and have found it to contain a true statement of the form and workings of the civil government in the Philippines.

The statements of facts, and the illustrations given, are so plain and simple that every child of proper school age for the study of this subject can easily understand them.

E. FINLEY JOHNSON,
Judge of the Court of First Instance, Manila.



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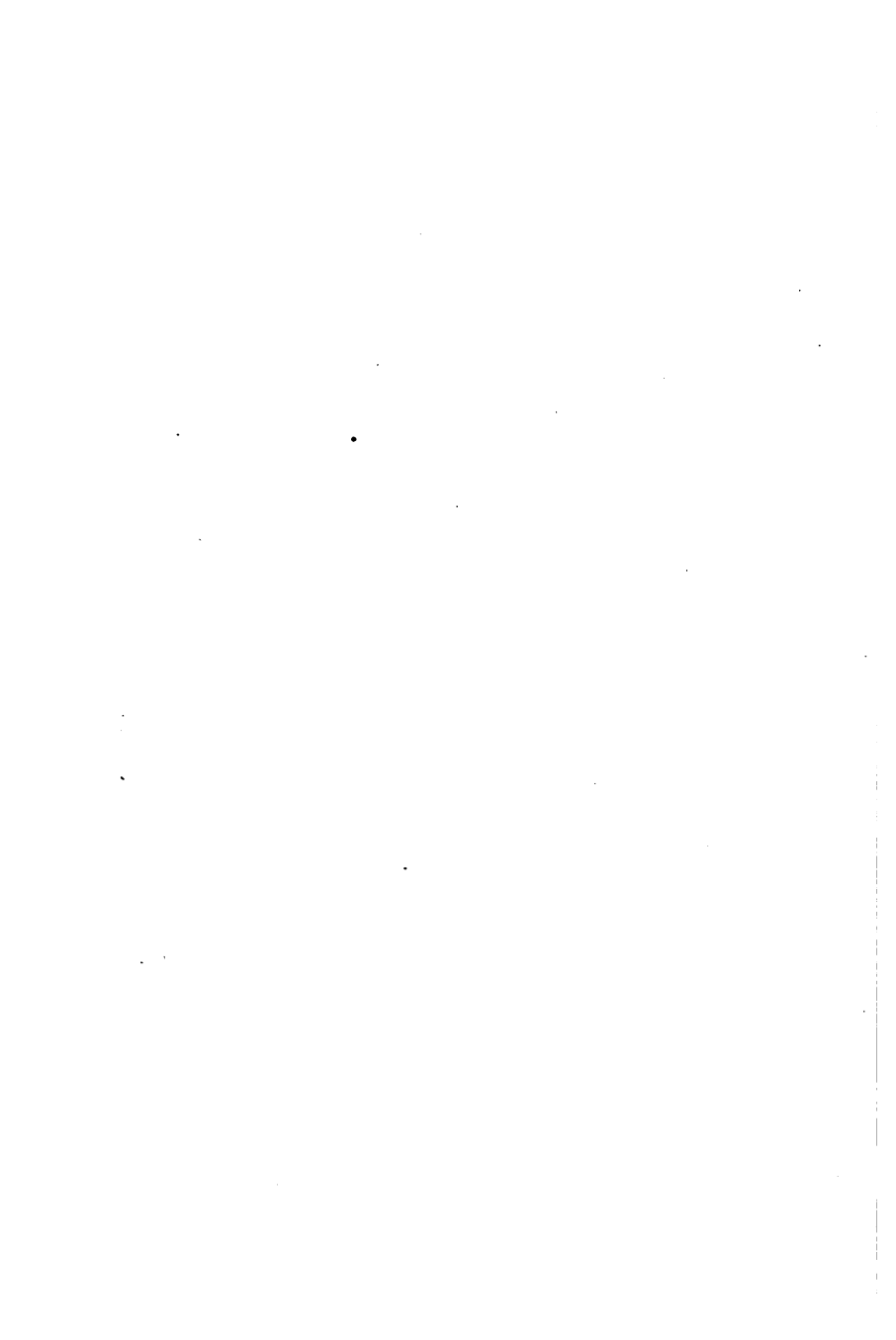
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PART I.

GOVERNMENT IN GENERAL.

CHAPTER I.

INTRODUCTION.

It is hard to make a definition of *government* that beginners can understand. If we learn what part of the things that make up our lives is done by government, we shall begin to understand what government is. To do this, we must think about the things that do make up our lives.

When a boy is small his parents care for him because they love him. When he is six years old, they send him to school to study. They ought to teach him to work to make him useful. The boy who does not learn to work while he is a child has a hard task before him in life. Some time or other he must learn to work, for the man who does not work fails.

The boy goes to church to worship God. He

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learns what good conduct is and sees that the good men are the happy men.

When he becomes a young man he begins to work and to save money. Perhaps he is a carpenter, a mason, a blacksmith; perhaps he works in his father's fields or in the fields of his neighbors. "All labor," he says, "is honorable. People must have food, therefore the fields must be cultivated. I have gone to school. I am more intelligent than many of my neighbors. I can work to better advantage." He goes to his work happy because he has a purpose in life. He has a plan to save his wages and buy a shop, a factory, or some land of his own. He hopes to build a house, to marry, to become well-to-do.

This man has a peaceful, industrious and happy life. He is successful. He is well known to his neighbors and he is honored by them. They choose him town councillor or town president, or elect him to some higher office.

Many lives are different from this one and this is not all of the story of one life.

Now what part does the government take in this?

The parents take care of the child and give him food and clothing; the government does not.

The government builds a school-house and pays the teachers; the child attends free.

But the government does not build a church and compel the people to go to it.

Nor does the government make the young man work and save his money. He does this himself because he wants to make his life successful.

The government does not build him a shop, nor a factory, nor buy him land. It builds a street in front of his house, and roads upon which he can haul the products of his shop or factory, and the grain from his fields, to market.

Government does only a few of the things that make up our lives. Yet, there is a sense in which government takes part in it all. Government protects our lives from childhood to old age. It guards us from injury to person or to property. It guards the school, the church, our houses, our fields. It makes life safe. We can plant our fields, and feel sure that when the grain is ripe we can reap it. We can save our money and buy a house and feel reasonably sure that no man will dare to destroy it.

If these things were not true, we would be as poor tomorrow as we are today. It is the protection of government that allows us to live in peace, to be industrious and prosperous and to have better

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and happier lives. If we think of the conditions of savage lands, or of lands where the government is weak, we shall readily understand the blessings of strong and just government. It would be well to ask ourselves, "Have we a strong and good government?" "Does it make our lives and our property safe?" That is the most important question.



CHAPTER II.

WHAT IS GOVERNMENT?

Some Definitions.—*Government* is keeping order, giving justice and doing the public work.

The Government is the group or groups of officials who do these things and two things more. The two other things that *the government* does are collecting taxes and making laws. Thus there will be different answers to the questions, What is government? and What does the government do?

Keeping Order, or keeping the peace, means preventing all public disturbances, such as wars between tribes or sections of the country, riots, or fights by mobs in the streets, and brigandage, which is robbery by organized bands of men. It means also the prevention and punishment of crimes committed by individuals.

Giving Justice is protecting the rights of individuals. This is very difficult. It is so difficult that no government succeeds in giving entire justice to all people. If a quarrel arises between two men about property, they may go to a judge to have it decided. If a man is injured he may go into a

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court to demand reparation or damages from the man who has injured him.

Doing Public Work.—We have seen that the welfare of a man depends upon his own labor and that the government does not undertake to make all men rich and happy. A good government only gives every man an opportunity to do well. Every man has his private work upon which he depends to make the best of his opportunity. Yet there are some kinds of work that the government does which help us all in our private business. The government does them because they can be better done under its control than by individuals, and because, for the welfare of the government itself, they must be done properly.

Some of these are:

Establishing and conducting public schools.

Making and repairing roads and building bridges.

Carrying the mail.

Erecting and conducting telegraphs.

All governments do not do all of these things. Some governments do more, as, in Europe, operating railroads and parcels expresses; and in cities, furnishing water to the people, putting out fires, conducting hospitals, and doing many other things.

Method and Means.—The two other very impor-

tant things that the government is doing almost all the time, law-making and tax collecting, are not a part of the definition of government because they are only the method and the means which the government has of keeping order, giving justice and doing the public work. By the laws we mean the rules according to which all these things are to be done or the orders commanding them to be done, and by the taxes we mean the money which the people give the government for doing them.

Laws tell how order shall be kept, who shall keep order, how criminals shall be caught and punished. Some tell what our rights are and how justice may be obtained. Some tell how the public work shall be done and order the right persons to do it. Some tell what officials we shall have in the government, how they shall be chosen, and what are their duties.

Since, in a civilized country, everything must be done according to law, law making is of the highest importance. It is the *method* of government.

Taxes.—Some men, for example the policemen and constables, spend all their time keeping order. As they have to give up their private work they must be paid. Judges and all the other officials must be paid also. School-houses, roads and all other public work cost money. To pay for all these

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things the people pay money to the government called taxes. Taxes furnish the *means* of carrying on the government.

Government for the People.—Why is order kept? Order is kept so that the people may go about their daily work without fear and without disturbance. Justice is given, not to a few, but to all alike. The rights of all are equally protected. The public work is done to help the government in keeping order and protecting the rights of individuals, and to give all the people better opportunities for success in their private work.

Government, then, is for the people. This seems so clear and plain to us that it is difficult to see how any one could ever believe differently. Yet there was a time when it was thought that all government belonged to the king. There were the king's army, the king's ships, the king's highways, or, royal roads. The taxes were collected into the royal treasury. The public business was called the king's business. Now we know that all these are the people's. That is what we mean when we say, "Government is for the people."

CHAPTER III.

WHO CONSTITUTE THE GOVERNMENT?

The Government.—We have learned that *government* is keeping order, giving justice and doing the public work, and that the expression, *the government*, is a little different. *The* government usually means the officials, or the men who keep order, give justice and do the public work, not the men as individuals, remember, but as officials. Some of these men go out of office from time to time and others take their places, but the government continues.

Here is a list of the most common officials:

Municipal Councillors, who make laws.

Municipal Presidents, Governors, Policemen, who keep order.

Justices of the Peace, Judges, who punish criminals and protect the rights of individuals.

Provincial Supervisors, who build roads.

Municipal and Provincial Treasurers, who collect taxes.

Public Servants.—Government is for the benefit of the people, and so the officials are all working for the people. Each official has his work to do for

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the people. This work is carefully fixed by law. It is a wrong idea to think that the President of a town or a Governor has great power to make the people do whatever he pleases. He has no power at all to make the people do what the law does not order. But he has great power to make the people do what the law does order. The humblest citizens, the Presidents and Governors alike, must all obey the laws. They are equal before the law.

Officials are rightly expected to set the example of obedience to law. They can best do this if they remember that they have only the powers given them by the law and no more. That they are selected by the people to perform a certain service for the people. That the people are not the servants of the officials; that the officials are the servants of the people.

It is a great honor to be chosen by the people to do the public work, because by choosing a man the people say that they think that he is the best man. But they do not choose an official simply to honor him. They want the best service. The honor accompanies the service.

Clerks, Assistants and Laborers.—In performing the public service the officials employ many helpers, such as clerks, assistants and laborers. Good serv-

ice depends a great deal upon the honesty and efficiency of these helpers. Clerks and assistants must not become arrogant in their treatment of the people. They must not forget that the people pay them and that they are employed to do the people's work.

On the other hand, the people, when they understand these things, should always try to avoid interfering during working hours with officials or clerks who are doing their part of the public work. They will not bother clerks by asking useless questions, nor quarrel with the policeman when he reminds them of their duty, nor call upon the officials during office hours to have long social talks with them. The officials are very busy if they do their work well and their time belongs to all the people and not to the visitor only.

CHAPTER IV.

KEEPING ORDER.

Order Must Be Kept.—The greatest difference between civilized and uncivilized lands is that in the former order is better kept. Everywhere, and at all times, labor and study are the two sources of progress. Labor and study cannot go on successfully where disorder and crime are great. Peace and order are the first essentials to prosperity and enlightenment.

Bad men exist in all countries, because human nature is far from perfect. They are enemies of the people who are trying to build up their homes in peace. Their hands are against all men and against their country. They live by taking the property, and often the lives, of others. Such men are usually ignorant. Even the criminals with some intelligence have something wrong with their brains, for they refuse to see how much easier it is to make their living by honest labor than to lead a wild, hard life, hunted from place to place, to die at last in poverty and dishonor.

Life and property must be protected from such

men. The government must be watchful and active. Indeed when disorders are numerous, the government has to give nearly all of its attention to stopping them. For have we not learned that this is the first duty of government? Yet in proportion as people become more and more intelligent, and know more about government, keeping order becomes easier and easier. The officials for keeping order do their duties watchfully and actively and the other officials have their time free to carry on their share of the government business.

Tribal Wars and Piracy.—From the time that we know anything about the history of the Philippines down to the first part of the nineteenth century, the Moros of Jolo and Mindanao carried on a war against the people of all the islands north of them. In their strong, swift-sailing prahus, some large enough to carry fifty or a hundred men, they raided the coasts of the Visayas, attacking and burning the towns and carrying away men, women and children to slavery. The people fled to the mountains and often remained for years, afraid to return to their lands on the coast. The lands lay in waste; the weeds and wild grass sprang up and effaced the work of a lifetime.

Sometimes their fleets entered Manila Bay. Once

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they burned the Spanish ship-yards at Cavite. The Spaniards tried at different times to conquer them, but without much success. Finally in 1860 they brought out some small steam gun-boats from Spain and succeeded at last in stopping the Moro raids. While fighting against the Moros in 1902, the American soldiers set free the descendants of many northern Filipinos who were still held as slaves.

Brigands.—All through Spanish times some parts of the Philippine Islands were molested by the "*remontados*," or brigands. They were robbers who lived in the mountains, in bands, and came down to the lowlands to rob and sometimes to kill. In the dry seasons, from time to time, the government organized raids against them. During the bad seasons vigilance relaxed.

No government can keep order if it acts only while the sun shines. A good government is active during sun and rain, day and night. "The eye of the law never sleeps."

Bands of Robbers.—The four years of war from 1896 to 1900 left this country in a badly disturbed condition. Many men had lost their occupations. Many of the fields had become overgrown with wild grass. The farm animals had died from a disease called the rinderpest. Food was very dear.

The spirit of unrest was abroad throughout the land. The long disorder created in the minds of many a lust for a wild life. They took a backward step in civilization; the old spirit of brigandage awoke. When peace came most of the people returned to their neglected labor, but some of the wild spirits still preferred the life of robber and marauder. They organized in bands. Sometimes they disguised themselves in the old rebel uniform and pretended to be fighting for their country. Sometimes they pretended to be constabulary. Entering the towns and firing on the police, they robbed the treasuries of the towns and many private houses. People were afraid to go to their work and the police often went into the fields to guard the laborers.

Refusing the liberties and progress which peace offered them, these men set about destroying the liberties, the lives, and property of others. Of course they were punished for this. The laws were enforced with vigor and firmness. The men who refused to obey the law were crushed by it. The law cannot deal gently with such men. The burdens of the people were heavy enough. The evils of this disorder they could not bear. After a time order was restored, but how much better

would it have been for us all if we could have been spared all this crime, disorder, and punishment.

Crimes by Individuals.—We have been speaking of crimes by bands. These exist only in countries or places which are in bad disorder. Crimes by persons acting alone or with a few helpers, that is, crimes by individuals, happen more or less in all countries; for as we have said, human nature is far from perfect.

The names of some crimes are: Assault, arson, bribery, burglary, extortion, forgery, murder, libel, perjury, riot, robbery, treason. These are all very grave crimes, and in law are called felonies. Minor crimes are called misdemeanors.

In one sense, all crimes are considered crimes by individuals. If a crime is committed by a band, each man is responsible and each man has to suffer his punishment.

Against Society.—It is true that most crimes are against individuals, or against the property of individuals. But we have seen that crimes create disorder and injure every one in the community in which they are committed. So the people have made the duty of punishing crimes a public duty belonging only to the government. No man has a right to avenge himself. Every man has a right to

protect himself if he is attacked, even to kill the man who is about to kill him. But no private citizen has a right to punish a criminal. Judging and punishing is the work of public officials. We say that all crimes are done against society.

Officials Who Keep Order.—The police of the towns have the principal part in keeping order. They are under the command of the town President. Upon these men rests the responsibility for order in the towns. The Governor of the province is also a peace officer. He is above the President in command of the police, and may order the police of one town to another to stop disorder. To aid in keeping order in the towns and in the country there are the constabulary commanded by officers, who are under the orders of the Civil Governor.

In times of disorder the Governor of a province may call out the constabulary; and in times of great disorder he may call upon the army of the United States for assistance.

The whole force of the government can thus be brought to stop crime. How weak a criminal looks when he stands before this great power which he brings against himself!

Prevention of Crimes.—Policemen and constables should be active to anticipate crime and prevent it.

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Policemen should attend public meetings and go wherever crowds assemble. They should walk the streets at night. Wherever crime is most likely to happen there should be the policeman. His presence alone is a defense. If disorder of any kind begins it is easier to stop it at once than it is after the disorder has grown. "A stitch in time saves nine" is a good adage for the policeman. Vigilance is his greatest virtue.

The Fear of Punishment.—A wholesome fear of the law is good for the people. By this is not meant that the people should tremble before the officials as people did of old before their unjust kings. It means that the criminal should know that punishment is certain to follow a crime, so that he will fear to commit it. It means also that the unjust official should tremble before every citizen, for any citizen may accuse him before a court and have him punished according to the law.

The fear of punishment prevents many crimes.

Arrest.—Arrest is not a part of the punishment. Many innocent people are arrested and set free again. Arrest is only the holding or keeping of a man until his guilt or innocence is decided.

Yet people dislike very much to be arrested. The thought of arrest frightens criminals and even good

people. Arrest is the great power of the policeman. He walks up to the man whom he is going to arrest, touches him, or takes hold of him, and says, "I arrest you," or "You are under arrest." There is no resisting him. Resistance of arrest is a crime. Besides, he has his club, and his gun or pistol to enforce arrest. If you resist, all the policemen and all the constables and all the soldiers in the country will come, if necessary, to take you.

Arrest, which is no disgrace to the innocent, is feared by all, and the fear of arrest deters many people from being criminals.

Moral Influence.—Better than fear and punishment to prevent crime is education. It is true that the intelligent criminal is the worst kind of criminal, but the usual result of education is to make men love peace and order and to make their lives quiet and industrious. The more intelligent a man becomes the more willing he is to submit to the restraints of society and to wish for himself and to allow to every other man his right to life, liberty, and happiness.

CHAPTER V.

PROTECTING THE RIGHTS OF INDIVIDUALS.

Civil Rights.—We believe that every man has a right to live the best life that he can. He has a right to the best home that he can build for himself and his family. He has a right to labor. He has a right to cultivate his fields and to reap his grain. He has a right to think for himself and to speak his thought freely. He has a right to worship God in his own way. He has a right to educate his children to make them better and more capable. These rights are called *civil rights* to distinguish them from another class of rights called *political rights*. By political rights we mean the right to hold office, the right to vote and the like. Thomas Jefferson spoke of civil rights as the rights to "life, liberty, and the pursuit of happiness."

Civil Rights are Common to All.—Every man has a right to till his fields, not you alone, but your neighbor also. Every man has a right to his property. No man may take or destroy my property; I may not take or destroy the property of another. Every right that you have ought to remind you of the rights of others.

Our Rights are Limited.—Many old writers talked about natural rights, and tried to imagine what rights a man would have if he lived alone on an island of the sea, like Robinson Crusoe. But we do not live in that way. We are born into society. And even if we imagine that we might have some great rights alone on an island, we certainly could not have all of them where there are so many other people about us. By *society* we mean people grouped together, working and living side by side, buying from each other and selling to each other, and doing many things, public and private, together.

Old writers also talked about the *social contract*. They imagined that there was a time once when people lived "in a state of nature," without government, and that they came together and agreed that each one would give up some of his right to do as he pleased, so that they could live together, form a society and have a government. Study of the human race tells us, however, that this idea is false, that men always, even as savages, lived in societies just as the bees, the ants, and the monkeys have societies. Yet this idea of an agreement to live together, or the social contract, is like a fable; it represents a truth. The truth is, that, in society, every man has to give up some of the things that he might

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want to do, in order that we may all have our rights, or, in order that we may live together at all.

Examples of How Rights are Limited.—If a stream flows through my land I may use the waters to wash my clothes, to water my fields, to turn my mill. If it is a small stream I virtually own it. But I may not change the direction of the stream, pollute the water, or do anything to the stream that will cause it to injure my neighbor below me. A man has a right to think and to speak his thought freely; but if he tells a lie with intent to injure another man, he has passed beyond that right. Even with good motives, a man may pass beyond his right and injure another's rights. A man may be very enthusiastic to get converts to his religion; and we may think that he is a very good man; yet, if he enters a church of another faith and tries to preach against the will of the people in it, he is interfering with the right of the other people to worship God as they please, and is doing wrong.

How Rights are Protected.—Doing justice, or protecting the rights of individuals, is a duty of government, just as is the punishment of criminals.

Self-protection is an exception to this. If I am attacked, I may use force to defend myself. If my life is in danger, I may kill the man who is attack-

ing me. I may defend myself, my family and my house from a burglar, even to killing one who has entered my house. I may retake my property from a thief who is carrying it away. Self-protection is a very limited right, however. If I use more force than is reasonable in defending myself, I may be guilty of a crime. Self-protection is only to prevent injury.

If a man has injured me and gone away, if he strikes me and runs, I cannot run after him to avenge myself. My right to strike or to fight back ends just as soon as I am out of danger. I cannot take justice into my own hands. I cannot say: This man struck me yesterday or five minutes ago; now I will strike him. If a man has killed my horse I cannot take his cow to get redress. That would be stealing.

Redress is in the hands of the courts. If I have suffered a wrong there is only one way that I can get redress: that is, to go to a Judge and complain against the man who has wronged me. The Judge will order that man to come into the court. The Judge will hear what I have to say, what the man who has wronged me has to say, and what other people who know about the alleged wrong have to say. He will then decide whether I have been

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wronged or not. He will also decide how much I have been wronged. If the man has a horse, a hat, or a house that belongs to me, the Judge will order him to give it back. If the man has injured my land, or hurt my person or my reputation, or taken anything that he cannot give back just as it was before, the judge will decide that he must pay me a certain sum of money.

The judgment of a court is the only lawful remedy for a wrong.

Damages and Punishment, Civil Action, Criminal Action.—This sum of money which the wrong-doer must pay the injured man is called damages. If the wrong is also a crime, the criminal not only may be made to pay damages, but may be punished besides. He pays damages for the injury done the individual; he suffers punishment for the wrong done to society.

What is done in court to bring a wrong before the Judge is called an *action*. There are criminal actions to punish crimes and civil actions to redress wrongs to individuals. Where a wrong is both a crime and an injury to an individual, there will be two separate actions, two separate trials.

The Government's Part: In Criminal Actions.—The government will arrest the criminal. The gov-

ernment's lawyer, usually the Provincial Fiscal, will come into court to prove him guilty. If the criminal has any property, he may be made to pay what it costs the court to try him. So many criminals have no property, however, that the government usually has to pay the cost of criminal actions.

In Civil Actions.—In civil actions it is very different. When a man wants redress for an injury the officials do not hunt him up and bring his cause before the court. He must come himself to the court and complain. He must also hire his own lawyer. So, too, must the man who is complained against, the defendant. These two sides are called the parties to the trial. The costs of the trial must be paid to the court by the party which wins; but it will be added to the damages which the loser has to pay to the successful party.

Thus, if a man wants redress, he must make complaint, pay his lawyer, and one of the parties pays the cost of the court.

The notice to the man complained against is taken by an officer of the court. In some cases, if the man does not come to answer, he may be arrested and brought in. Witnesses are sent for and sometimes compelled to attend. After the Judge has given judgment, he will direct an officer of the court to

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see that the loser pays the damages or gives back the property, according to the judgment. If the loser does not pay, the officer of the court may seize some of his property, sell it, and pay the damages to the successful party.

These are some of the services of the court which make up the cost of the trial.

Courts Open to All.—Any man who has suffered a wrong may complain to a Judge and bring an action against the wrong-doer. A private citizen may sue an official of the government for a wrong. In Spanish times this could not always be done. Some officials could not then be sued. Our law is supreme over all, private citizens and public officials alike. A Judge or a Governor has to give obedience to the law just as a policeman does, or any other person, and an action in a court is the same for all.

The oath which every Judge takes when he becomes a Judge contains these words: "I solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me . . . according to the best of my ability and understanding, agreeably to the laws of the Philippine Islands."

Remedy Imperfect.—An American writer tells how the remedy for wrongs often fails. It fails here just as it does in the United States and in all other countries. Here is what he says:

“It is an impressive idea that all the mighty power of government is pledged to the assistance of the humblest individual who has suffered at the hands of another. But the government does not undertake to make good the loss itself, only to force the other person to do so; and that is a remedy which in more than half the cases amounts in the end to nothing at all. The machinery for the punishment of crime is far more efficient in operation than that for the protection of rights; in this country as everywhere.

“Lawsuits take time, especially in cities; sometimes they take years. In the vast majority of cases the remedy is only a judgment that A shall pay B so much money. But, if A has no money and no property, of what value is the judgment? Not more than half of the money judgments rendered are ever paid. Lastly, the cost and trouble of a lawsuit make it a very expensive luxury. The gathering of evidence, the fees of lawyers, the court fees, all cost money. A lawsuit may cost \$50; it may cost \$50,000.”

CHAPTER VI. ✕

PUBLIC SCHOOLS.

A Public School is a school established and conducted by the government. The building is owned by the government. The teachers are paid by the government. Sometimes, but not always, the books are furnished free by the government. A public school is free, that is, every child, poor or rich, of school age, may attend without payment.

Primary Schools.—In every town of the Philippine Islands there is a school of primary instruction. A primary school is for children from six to twelve years of age. The children study, in the primary school, reading, writing, arithmetic, geography, history, elementary natural science, and, perhaps, some other subjects. When children have finished the studies of the primary school they are far from having a thorough education, but they have made a long step from ignorance. The primary school is the school of all the people, for all the people can afford to send their children to it.

Provincial Schools.—After completing the work of the primary school those students who can con-

tinue their education may enter the provincial school, usually at the capital of the province.

The provincial schools have just been established. They have only made a beginning. In some of them the work is too elementary because students have been allowed to enter from the primary schools too soon.

The standard of the provincial schools will be raised from year to year. They will grow. More buildings will be built and more subjects will be taught. In a short time the provincial schools will become the colleges of the people. A college education will thus be brought near to the homes of the people. The provincial school will also teach manual training, agriculture, methods of business and commerce, and other subjects to prepare young people for the different occupations.

University.—Those students who have finished the courses of the provincial school and who are desirous of obtaining a still higher education may enter the university, at the Capital of the Archipelago, where the most advanced courses will be given in Literature, History, Economics, Political Science, Mathematics, Languages, and Art, and courses to prepare for the professions of Medicine, Law, Civil

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Engineering, Mechanical Engineering, Electrical Engineering, Agriculture, Pharmacy, Dentistry, etc.

This is an outline of a great system of public schools. If such a system is not yet fully established in the Philippines, let us hope that it will be. Such a system will cost a great deal of money, all of which must be raised by taxing the people. But its value will be far greater than its cost. All enlightened countries of today give primary instruction free. Many give such instruction as may be had in the provincial schools free. Some give university instruction free.

The Insular Normal School.—The Insular Normal School is in Manila.

It is free to students from all parts of the islands. It is a school for the instruction of those who wish to become teachers.

Before entering this school students should first finish the courses of a provincial school.

Beginning.—Free public schools are modern. Public schools began in Europe about three hundred years ago. The Puritans who emigrated to New England carried the idea with them. The great desire of the Americans for equality and government by the people caused them to cherish the idea and the public school became the most im-

portant element in the growth of the nation. A very common motto in America is, "The public schools are the hope of the country."

All the countries of Europe, although many have good public schools, now turn to America for a model. Japan did so, too, and employs many American teachers in her schools. So in the remainder of this chapter the schools of America will be frequently referred to.

Why We Have Free Public Schools.—In any country where the people govern themselves, public schools are absolutely necessary. The success of government by the people depends upon the intelligence of all the people and not upon an intelligent few. The children are the future voters. When they grow up they will elect the officials. They will themselves become the officials of town, province and country. Unless we desire a few men in each town to have all the power in the government all the people must become educated. The way this is accomplished in any country is by sending all the children to school generation after generation. When this is done it is only a matter of time until ignorance passes away and the people become one of the enlightened peoples of the world.

If there were no public schools the rich only

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would be able to educate their sons and daughters. They would send them to private schools. The poorer parents would not be able to do so. The poor would thus continue poor and ignorant, the same from generation to generation. Such was the condition of Europe not a long while ago. The peasants tilled the soil and were too ignorant to demand the rewards of their labor. The rich and the nobles formed the small educated class and the governing class.

When people began to believe that there ought not to be such classes, and that every child ought to have as nearly as possible equal opportunity; free schools were established.

Even those governments which do not believe so much in government by the people have free schools because the more intelligent people are the more prosperous they are and the better the country.

Better Schools.—While in the beginning the public school was considered the poor man's school, it did not long continue so. When the government goes into the school business it easily employs better teachers and has better schools than the private schools. The rich men of the United States frequently found that the children in the public schools



were getting a better education than their sons for whom they were paying large fees. They were not slow then to see that they were paying to support two schools and sending their children to the poorer one. After a time the public school got nearly all the children, and very rarely children are sent to private schools.

Compulsory Education.—In the United States public schools are established by the state governments, each one for its own people, and not by the central government. So there are as many school systems as there are states. Every state has a complete system of primary and grammar schools. Almost every town of a thousand or more inhabitants has its high school. In nearly all the states there are state universities and state normal schools. There are also many colleges, universities and normal schools not supported by the government.

In more than half of the states primary education is *compulsory*. This means that all children are compelled to attend school, usually about six years, between the ages of six and fourteen. The number of years of attendance and the ages set differ in the different states. In many states the public spirit and the desire for education is so strong that almost

every child of school age attends without compulsion.

The School-House.—The school-house should be a large, airy building near the center of the town. It should be clean and well furnished. It should be as beautiful as possible. It should be a pleasant and cheerful place to which every child would like to go every day. If possible the school-house should have large play-grounds about it. Children are happier and always learn faster when they have short recesses for play out of doors. They get fresh air into their lungs and come back invigorated.

The children should plant trees on the playground, and the teacher should help them. If there is room without taking away the playground, let there be flower gardens of all the beautiful flowers that can be found in the neighborhood.

The school-house should be well built of strong material. We shall always have a school, and while we are building one, let us build it large enough and strong enough to endure. The advice of an architect who has studied school buildings in other countries should be taken.

In the United States nearly every town has a large stone or brick school-house, sometimes many. The school-houses are often the most costly and the

most handsome buildings in the town. In large cities there are many such buildings. Some of them look like palaces. They are not king's palaces. They are the palaces of education, built by all the people for all the people's children. They cost thousands of dollars and are the pride of the people.

In the Philippine Islands the towns are not rich and cannot afford to build such expensive buildings. Yet it is poor economy to put up small, cheaply constructed school-houses. Renting is poor economy and there are few houses already built that are well arranged for school purposes.

The councillors of every town should establish a plan to set aside a portion of the taxes each year in order to create a fund for building a school-house. Some towns would have to wait several years for such a fund to grow large enough, but in time they would be able to build school-houses that would last many years.

CHAPTER VII.

ROADS AND STREETS.

Building and Repairing Roads and Streets form a very important part of the public work. There must be roads to the farms, to the mines, and to the forests, and roads from town to town for communication, travel, and business.

The government needs roads for the travel of its officials, for the passage of the mails and special messengers. It needs them in sending the police of one town to stop disorder in another.

Because roads are necessary to the government in the public business and so important to the people in their private business, the government takes charge of them. Road building and repairing are government work in all countries.

Road building and repairing are duties that a government cannot afford to neglect. Foreign travelers frequently judge governments by the roads they build, and the prosperity of a country can always be judged by the condition of its roads.

Bad Roads.—If the roads from the farm to the market are bad, the prosperity of the farmer is lessened, no matter how fertile his land, because the

cost of transporting his products is so great. Sometimes he is not able to compete in the markets. *Bad roads lessen profits.*

Often there are towns without woods or forests that purchase their timber from forests a few miles away. If the roads are bad, timber is very dear in those towns, house building is expensive and rents are high. If the towns buy their fruits, vegetables and grain from a distance, bad roads add to the prices of food. *Bad roads make living dear.*

Merchants who go to the cities to buy goods pay heavy charges for themselves and for their goods. Besides, the long time spent in making even a short journey on bad roads is a great waste. People who are idlers and have no business do not mind wasting a day, but busy people say, "Time is money." *Bad roads waste both time and money.*

On bad roads the wagoners and drivers find that their vehicles soon wear out. They have to use more horses and a horse is able to go only a short distance. These are the usual reasons that their charges are high. If roads were good, better and more comfortable vehicles could be used, horses could go faster and stand more work. *Bad roads waste labor of man and horse.*

Good Roads.—Good roads make transportation

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cheaper, reduce the prices of necessities, make travel quicker and in every way increase the prosperity of the country. Good roads are roads that are good all the year round, good in the rainy season and good in the dry. Good roads are as level as possible, solid, high in the center to drain the water into ditches at the sides.

It is true that in some parts of the islands the country is low and flat, and it is difficult to get proper drainage. Stone and gravel are very dear because they have to be hauled a long distance. In such places road making is difficult, but by no means impossible.

In other parts the materials are plentiful, drainage is good, and good roads are built with moderate cost.

Bridge building is a part of road building. The best bridges are made of stone and of steel.

The building of roads and bridges forms a large part of an important profession, the profession of civil engineering. This profession offers an important and useful career to any young man who has the perseverance to study at a university to prepare himself for it.

Good Streets in towns and cities also play an important part in the business and convenience of life.

In towns and cities people live close together and, to keep good health, the greatest cleanliness must be observed. Good, solid streets with proper drainage are a great help to the health of the town. Mud holes in the streets collect filth and breed disease. Good streets are easily cleaned and they should be cleaned every day. The councils of the towns make laws against throwing filth into the streets and these should be rigidly enforced. Nothing indicates more the progressiveness of a town than well-built, clean streets.

How Some Streets are Built.—In the wealthy cities of the world very expensive streets are built, costing sometimes \$40,000 a mile. The surface of the best streets is made of asphalt, which is a black, slightly springy substance that water cannot penetrate. On the asphalt streets carriages pass almost noiselessly and entirely without jar. The asphalt street is the paradise of the bicycle rider. The surface of many streets is made of blocks of wood, soaked in creosote to make them impervious to water. Other streets are made of cement.

In small towns, which do not have so much money for streets as the large cities, streets are often made of a very hard kind of brick that lasts a long time.

All such streets should have very solid foundations. Broken rock and cement make the best foundations. Large pieces of rock are put down first, then smaller ones mixed with sand and cement, and upon the foundation thus formed is laid the surface of asphalt, cement, creosote block, or brick.

Eminent Domain.—The government exercises the right to place a road or street where it decides is best for the interests of the public. For this purpose it has the right to take the necessary land from private owners. Often in towns and cities costly houses have to be moved or destroyed. For all property taken or destroyed the government pays a fair value. Sometimes land owners donate the land required on account of the great advantage they receive from the road.

Roads in Other Countries.—An American writer makes the following statement about the roads in other countries:

“Western Europe, in general, excels the United States in roads, both in the quantity made and in their quality. France leads the world, having more miles of road than the whole United States, although but half the population. Her roads crossing the Alps are world renowned. Asia, Africa and

South America are practically without roads away from the cities; and the railroad is coming in first. Following are the numbers of miles of road passable for wagons per million of population in the countries named (round numbers): France, 8,000; Germany, 5,000; United States, 3,500; Great Britain, 3,000; Austria, 2,000; Italy, 1,700; Spain, 800; Russia, 600; India, 200; Brazil, 50."

Roman Roads.—More than two thousand years ago the Romans constructed roads that are partly in use today. They were equal to the best modern roads. These roads ran from Rome to all parts of the great Empire. By arranging post stations along these roads the Romans easily traveled one hundred miles a day.

Here is a description of their method of construction taken from Leighton's History of Rome, page 113:

"In preparing to make a road, two trenches were first dug parallel to each other to mark the breadth of the road. The breadth in the great lines like the Via Appia was about thirteen feet. The loose earth between these lines was then removed and the excavation was continued until a solid foundation was reached; sometimes in swampy land a basis was formed artificially. Above the foundation small

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stones were first laid ; then a mass of broken stones about nine inches thick, cemented with lime, and above this were fragments of bricks and pottery, about nine inches in depth, also cemented. Above this, large polygonal blocks of the hardest stone, fitted and joined with the greatest nicety, were placed. The center of the road was a little elevated to permit the water to run off. Foot paths were constructed on either side."

Railroads.—Rivers and lakes are everywhere the great natural highways of commerce and always afford the cheapest means of transportation. In these the Philippine Islands are very rich. And so the sea flowing around all the islands is a free road from one part of the country to another.

Railroads have done a great deal to make transportation cheap and quick in many countries. Yet railroads, rivers, lakes and seas do not take the place of roads. There must be good roads from farms, forests and towns leading to them.

In some countries of Europe, railroads are built and managed by the government. In the United States they are owned by private owners or companies.

CHAPTER VIII.

SOME OTHER THINGS DONE BY THE GOVERNMENT.

Carrying the Mails.—There are two kinds of mail: official mail and private mail. Official mail consists of letters and papers about certain kinds of public business, and papers and documents published by the government, which are sent between officials or from officials to private persons. Official mail is carried without stamps. The law always specifies the officials who may send mail without stamps and what kind of mail they may send in this way. All other mail is considered private, such as letters about private business, newspapers, magazines, etc. All private mail must be paid for by the sender.

It has always been the business of governments to carry official mail. It is only in quite modern times, however, that governments have undertaken to carry private mail.

Formerly private persons had to send letters to their friends by travelers who happened to be going in the right direction or by special messenger. In those days it cost so much to send a letter that

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friends and relatives living far apart rarely heard from each other.

The growth of commerce and business has made quick mail carrying so important to all the people that governments have taken charge of it.

Now that people have become so much more intelligent and send so many more papers and letters than formerly the government is able to carry a single letter or paper at a very small cost.

The government employs railroads, steamboats, horsemen and wagons to carry the mail. You may have the benefit of all of this service and may send a letter to any part of the Islands for one cent.

The low rates charged for sending newspapers and magazines greatly aid in the spread of knowledge among the people.

Telegraph.—The government has constructed telegraph lines all over the country, both for official and private business. Private persons may send telegrams at a small cost.

Asylums.—Some governments undertake to care for the poor and the unfortunate classes, furnishing homes for paupers, for the insane, the weak-minded, the blind, the deaf and dumb; and attempt to educate the three latter classes in order to give them

some enjoyment of the world, from which their infirmities bar them.

Light-Houses and Harbors.—Light-houses are built along all the coasts to aid in navigation. Harbors are improved and rivers dredged. These things are done to foster commerce, which is so important to the welfare of the whole people.

Only a few of the more important things done by government have been mentioned. It would make a very long list to set down all the things that we find being done by the governments of all countries.

Most people believe that some governments do many things that ought to be left to individuals or private companies.

In Cities.—City governments usually provide water, street lights, sewers, maintain fire companies, and sometimes operate street railways, gas or electric lighting plants, hospitals, libraries, and, in some cases, many other enterprises.

CHAPTER IX.

TAXES.

What are Taxes.—Taxes are money paid by the people to the government to pay for the things which the government does for them. Paying taxes to the government is in many ways the same as spending money for anything else. What we want we buy and pay our money for.

We buy houses, or pay carpenters for building them; we rent houses, and pay money for the use of them; we pay money to physicians and lawyers for their services; we pay money to railroads and to steamboats for carrying us and our goods; so, too, we pay money to the government, some for roads, some for schools, some for carrying the mail, some for the services of judges, policemen, and law makers. Government, we must remember, has no money of its own. The officials are men like ourselves whom we select to perform public services for us and we must pay them wages, or salaries, and give them money besides to pay the cost of the things which we ask them to do.

The Government Fixes the Amount of Taxes.—There is, however, a difference between paying

money to the government and paying money to railroads, steamboats, carpenters, physicians and the like, or buying a horse or a house. In paying for these latter services or things each man chooses for himself and bargains about the price. In paying money to the government, the government itself decides how much must be paid, and says that every man must pay his share. There are three steps in the reason for this.

1. We cannot live together in society without government.

2. Government means doing many things which must be paid for.

3. If society wants a government it must give the government the power to collect money to pay for what it does.

Where the Tax Money Goes may be Known by All.—Another difference is, that in spending money for these other things, every man sees where his money goes and knows whether he receives good value for it. These are things which he gets for his own use alone. With taxes it is different. The things that are bought with the tax money belong to every one in common. We say that they are public property or public service. We never can estimate exactly how much it is worth to each man

to live in peace, to use the roads and bridges, the schools and the courts.

Some men do not know what is done with their money. All that they know is that the tax collector takes it. Such men grumble and ask: Why should I pay taxes? There is no reason for this grumbling. Every intelligent man can see where his money goes if he tries. There is nothing mysterious or secret about it. Only, sometimes, it is a little difficult. If any official does make a secret or a mystery about what he does with public money, it is probable that he is committing a fraud or theft and ought to be arrested. Any citizen may complain and have him arrested, and if there is any loss of public money it can be collected from the official bond.

There is very little loss of public money, however. In every town hall are posted monthly accounts of money received and money spent. The books of the Provincial Treasurer may be examined by any one. The officials of the central government carefully examine every record. Officials who try to steal or who wrongly use public money are promptly punished.

We may feel very sure that every cent of money that we pay in taxes is used to buy us some service or to pay for some public work. The more intelli-

gent people are the better they can understand the methods of the government; the better they can direct how the money shall be used and the better they can watch to see that it is used as directed.

How Taxes are Apportioned.—How much tax shall each man pay? Every man ought to pay according to the benefit which he receives from the government. As we have said, however, it is impossible to estimate exactly how much benefit each man receives for himself. When we stop to think about it, everyone of us feels that he receives a great deal of benefit.

In the protection of property and business the man with a great deal of property or a large business receives more protection than a man with little property or a small business.

In the protection of life there would be, perhaps, no difference, for every man feels that his life or health is as valuable as any other man's.

A good rule is, that every man ought to pay according to his ability to pay; that is, according to the amount of property that he has, or the amount of money that he earns. But it is impossible to apply this rule exactly because it is impossible to find out just what each man earns from his labor and property. As a result no system of taxation

is perfect. The best that the government can do is to make a plan that is good, not perfect; a plan in which the burden of taxes is distributed as well as may be according to benefits and ability to pay.

Kinds of Taxes.—There are many kinds of taxes. We shall study a few only: poll taxes, property taxes, import and export taxes, stamp taxes and licenses.

Poll Tax.—The word “poll” is an old English word meaning head. A poll tax is a tax collected from each person, the same on each head. What is called the *cedula* tax is a poll tax. In Spanish times the *cedula* tax was not a poll tax; it varied in amount from \$3.50 to \$25, according to the occupation of the man taking the *cedula*. A “*cedula*” is a document of identification which every man must show when he goes into a court, or in making certain contracts. The only purpose of this is to compel every man to pay the tax.

The *cedula* tax is a simple poll tax now. It is \$1 a year, and is paid by every man between the ages of 18 and 55. Hundreds of poor people have no other tax to pay than this \$1 poll tax. It does not nearly pay for the benefits which they receive.

Property Taxes.—The poll tax is a tax on persons. All of the other taxes named above are prop-

erty taxes, that is, they are taxes collected from people on account of property. All property, or all the things that we own, is divided into two classes, personal property and real property. Personal property means furniture, clothing, books, horses, machinery, money, food, anything that we can take or carry with us in moving from one place to another.

Real property is lands and houses, growing trees, growing grain, fences, and stone walls, and all such improvements to land.

Personal property is not taxed in this country. In the states of the United States personal property is taxed, and every year a man, called the assessor, goes about from house to house to ask what personal property every person has and puts it all down on a list with its estimated value.

Tax on Real Property.—One of the chief taxes in this country is a tax collected on lands, houses and improvements, according to their value. The town councils and the provincial boards determine what rate shall be collected. Let us suppose that the rate of taxation is $\frac{1}{8}$ of 1 per cent. This means that for every dollar's worth of real property that a man owns he must pay $\frac{1}{8}$ of a cent each year as tax. If

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Mr. A owns land worth \$4,000, his tax will be \$35 per year.

Import Duties.—Import duties are taxes collected upon merchandise coming into the country. Customs revenue or tariffs are other names for these taxes. Let us suppose that a merchant has ordered some goods sent him from a foreign country. When a ship comes into port a custom's officer goes aboard the ship to see if there is any merchandise in her upon which duties are charged. Such merchandise must be taken to a custom house. The merchant will go to the custom house to get his goods. An officer examines the goods and tells the merchant how much he has to pay according to the rates fixed by law on the different kinds of goods.

Let us suppose that the merchant receives 100 hats which cost him in the foreign country \$1 apiece. Let us suppose that the rate of duty is 22 cents a hat. The merchant would have to pay \$22. The government would receive that sum. At first thought it appears that the import tax is very heavy on the merchant, but not so. If the merchant paid no tax he would probably sell a hat for \$1.25, adding 25 cents to the cost on account of the expense of his business and for a profit. When he has to pay a tax of 22 cents, the real cost of a hat is \$1.22, and he

must sell it at \$1.47 at least or \$1.50, perhaps, to make the same profit. Thus the man who buys the hat to wear pays back to the merchant the money that the merchant pays the government at the custom house. The man who buys the hat to wear really pays the import tax. So it is of imported food. The man who eats it really pays the import tax. So of knives, harness, machinery, or anything for use, the user pays the tax. In this way the import tax is distributed all over the islands to people who wear, eat or use anything from a foreign country. Nearly always when you buy anything made in a foreign country you pay a part of the price to repay to some one the money he has paid as an import tax. Sometimes the store-keeper does not know this, and often the buyer does not know it either; it is true, nevertheless. This kind of tax is called an *indirect* tax, because the people pay it to the government, not themselves, but indirectly through the merchants.

It is from import duties that the central government of the Philippines receives nearly all its revenue.

Export Duties.—Export duties are taxes paid on goods going out of a country. Usually export duties are very injurious to the country which charges

them. Let us suppose that Cuba makes the same kind of hats as the Philippines, and that they cost \$2 apiece in both countries. Let us suppose that in Cuba there is no export duty, but that there is an export duty of 50 cents in the Philippines. A man in a foreign country wants to buy hats. He says: In Cuba I can buy them for \$2. I can buy them in the Philippines for \$2 also, but when I go to take them out of the Philippines I must pay 50 cents at the custom house. Well! I shall buy in Cuba, and save 50 cents on each hat. In this way export duties nearly always injure the trade or commerce of the country which collects them.

Sometimes, however, if some article is very scarce, or no other country makes or grows it, an export duty may be charged without injuring commerce.

Licenses.—Licenses are permissions to do certain things, as to keep dogs, to run a public *carromatta*, or to conduct a certain kind of business, as, for example, a saloon. A formal license is a written document which a saloon keeper, for example, must keep in a conspicuous place in his saloon. If a license is required for doing anything, it is unlawful to do it without a license.

Market dues are a kind of license. Some licenses

are sold for other purposes than raising money for the government. Saloon licenses and licenses for cock-pits have in addition to raising money the purpose of regulating businesses that are often disorderly and of bad moral influence. High license lessens the number of such places, which makes them easier for the police to watch.

Market dues are usually small and only sufficient for maintaining the market.

Stamp Taxes.—The law requires that certain papers or documents must have certain kinds of stamps on them to be good or legal. A bank cannot pay a check if there is no stamp on it. A promissory note is not good without a stamp. A written contract is not binding unless it is properly stamped. The government prints and sells stamps for these purposes and the proceeds are revenues.

Some people do not consider the stamps used upon letters as revenue stamps. In fact, however, every time you buy a postage stamp you pay taxes. The money collected from postage stamps is used to pay the expenses of carrying the mail. It is a very clear example of how the government collects money from the people for services rendered to them.

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Industrial Taxes.—Another very important tax in this country is the Industrial Tax. Many men are conducting businesses or industries, earning a great deal of money, who do not have much real property and accordingly do not pay much real property tax. If there were a personal property tax in this country they would have to pay a great deal on their personal property. But by charging a tax upon different professions, industries and kinds of business, these men are made to pay their share.

PART II.

TOWN, PROVINCIAL AND CENTRAL GOVERNMENT.

CHAPTER X.

DIVISIONS OF GOVERNMENT.

Local Government.—If our whole country were only a single little town, one group of officials could easily conduct the whole government, because they could easily know the needs of all the people and the needs of the town. But such is not the case. Our country is large, covering many islands, and in each island the people live in towns that are very far apart. It is plain that each town must have a government of its own. The public work that must be done in each town can best be done by the people of that town. People know very little about the conditions of other towns.

Do we need a new street or a new road? Is our school-house good enough, or do we need another?

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Are the streets clean? Are the police good men? Is the market clean and healthful? These and many other questions can be answered only by the people of the place. So the town must have a government of its own. This government is called by three different names, town government, municipal government, and local government. "Local" comes from the Latin word *locus*, or place, and means of the place. In the laws of the Philippine Islands a town is officially called a municipality. Hence, in the Philippines, town government, municipal government and local government all mean the same.

Provincial Government.—Besides the many things that each town can do best for itself, there are other things that the people of all the towns desire done, in which they must help each other. There are main roads that run from town to town which the people of all the towns use in travel and commerce. There are often robbers along these roads whom all the people want caught and punished. For these reasons and for some others, as we shall see, a number of municipalities are grouped together in a Province. The province also contains, usually, some public lands that are not included in the towns. For the province there is

a group of officials called the Provincial Government.

Central Government.—Over all the provinces, doing the things that are important to all the people of the whole country, is another group of officials, which we shall call the Central Government.

Division of Duties.—Every man in every town thus owes obedience to three governments, to the municipal government of his town, to the provincial government of his province, and to the central government of the country. These really ought to be called the divisions of one government, but the custom is to speak of them as three different governments.

You may wonder how a man can obey three different governments. The reason is that they are doing different things. The duties of each are carefully stated in the laws. Each one has its share of government and these shares do not conflict.

Which Shall we Study First?—Now if we ask which one of these three governments is most important to us in our daily lives, what shall we answer? The central government is far from us. We seldom see any of the central officials. In the same way, if the capital of the province is far away,

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we hear little about the provincial government. Occasionally we see some of the provincial officials.

But every day we see the town officials. Scarcely a day passes that we do not have something to do with them or feel the influence of the town laws. This local government is always doing something in which we are greatly interested. It is the government that is most important to us in our daily lives. Let us study it first.

The Three Branches of Government.—All the work of any government, local or central, may be divided into three parts: the legislative work, the judicial work, and the executive work. The powers of the government, or of any official, are either legislative, judicial or executive. Now, if we group together all the officials in the central government, for example, who have legislative powers or duties, this group would be the *legislative branch* of the central government. In the same way, the group of officials whose duties are judicial are the *judicial branch*, and the group of those whose duties are executive are the *executive branch*.

The officials of a town may be divided into these three groups. To legislate means to make laws. The Councillors, who make the town laws, are the legislative branch.

The word "judicial" comes from the word "judge." The duties of a judge are the judicial duties. It is one of the chief duties of the judicial branch of government to interpret the laws. The judges in a town are the Justice of the Peace and the President; they are the judicial branch of the town government.

To execute, means simply to do, or to have done. The executive branch does, or directs to be done, what the law-makers and judges decide shall be done. The executive officials of a town are the President and the police.

We shall see that these three branches are not entirely separate. They are most nearly separate in the central government. The town President, for example, has chiefly executive duties, but he has also some duties as a judge, and some duties as a law-maker.

It is well for us to remember the meanings of the names of these three branches of government for these words are often used to describe the powers and duties of officials.

CHAPTER XI.

COMPARISON OF LOCAL GOVERNMENTS IN THE UNITED STATES AND IN THE PHILIPPINES.

In the United States the divisions of government are quite different from the divisions in the Philippines. The central government of the United States is called a *federal* government because it is formed by the union of many states, and because each state has surrendered to the central government a part of its power to govern, which it can never recall, but each state has kept the power to govern in many things in which the central government has no right to interfere. The system of the federal government of the United States is too complex to explain in this small book and, besides, it is unlike anything we have in the Philippines. The central government of the Philippines is something like the central government of an American state, and the central governments of nearly all of the forty-five states are very much alike. In comparing our central government with the government of a state we would find many similarities and, of course, many differences.

A Comparison of Local Governments in the Philippines and in the United States would be very interesting and very valuable to us.

New England Township.—The early settlers of New England fled from England to escape religious persecution. They desired to settle in a country where they could establish their own church and worship God in their own way. All the members of a church congregation frequently went together and settled in the same place. The families settled on farms near each other in order to attend the same church and near enough also for protection against the American Indians. The New Englanders called their settlements *towns*, more properly *townships*. A township included, usually, a village and the farms lying about it. The government of the New England township was a pure democracy, that is, the people governed themselves directly. Once a year all the men of the township met in the town-hall to elect their officers, to make the laws of the township and to rate the taxes. Every man could thus take a direct part in the government of the township. This form of government, a pure democracy, is considered the best kind of government, but it is possible only in small communities.

The Settlement of Public Lands—Western Townships.—Before many settlements were made west of the Allegheny Mountains the Continental Congress had decided upon a plan of survey for the public lands, which included the unoccupied lands between the Allegheny Mountains and the Mississippi River, and all the lands west of the Mississippi which were afterwards acquired by the United States. The principal part of this plan consisted in running straight lines north and south, and east and west, dividing the land into townships. These townships are, accordingly, nearly the same size, six miles square. The New England townships are usually small and are irregular in shape and size.

The government of the United States offered to sell farms in the western townships, at very low prices, to settlers who were willing to live on the land and cultivate it. People were glad to get the land and emigrants from the eastern and southern states and from Europe bought farms and settled upon them. As years went by and one part became settled the people moved farther and farther west.

Territory—State.—When a large region became well peopled, it was marked off by boundary lines and called a *territory*. When the population of a

territory became sufficiently great, it became a *state* and was admitted to the Union.

County.—A territory or a state was divided into parts called *counties*. The state of Indiana, for example, which is about equal in size to the Island of Luzon, has ninety-two counties of an average size of four hundred square miles. The county is thus larger than a township; the county contains a number of townships.

The Country and the Town or City.—When the early settlers moved into a new region, each man built his house on his own farm. Neighbors were separated by the width of their farms, at least, and often by unoccupied lands. When a township became well peopled a village usually grew up, perhaps at the crossing of two roads, for the people wanted stores, churches and schools. Some villages which were favorably located for trade or commerce grew into towns. A town in each county, usually one near the center, was made the *county-seat*, where are the offices of the county officials, the county court-house, and the county jail. When people began to pay more attention to manufacturing and to commerce, some of these towns grew into cities.

Now, in the Philippines, nearly all the people live

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in villages, towns and cities. That is, if you travel along the highways, from one town to another, you see almost no houses in the fields. Passing from the *barrios* of one town you see scarcely a house until you reach the *barrios* of another town. To make the point very clear we must use the expression *the country*, which simply means the lands *outside of the towns and cities*. We observe, then, that few people in the Philippines live in *the country*.

In America it is very different, the traveler along the highways, especially of the well settled states, passes a farm house every few minutes, for the farmers live on their farms. There are many roads running in all directions over the townships and counties so that the farmers can get to the villages and towns, where they do their buying and selling. The farmers often have handsome houses and are as well-to-do as are most of the people of the towns and cities.

You will understand, then, that the population of the United States is part urban and part rural; a part lives in the cities or towns; a part lives in the country.

County Government—Representative Government.—On account of these different manners of living, the people have established three different

kinds of local government: township government, county government and town or city government. We have already described the township government of New England; in New England the county government has almost no power at all because the township governments do almost everything. But in the western and southern states, the county government is made far more important and the township governments are given less power.

Now the number of the people in a county is usually too large for the people all to assemble in one place to decide what roads and bridges shall be built, how much taxes they shall pay, etc. Besides some of the people live several miles from the county-seat. Accordingly it is impossible to have the kind of government in the county that we find in the New England township, that is, government by the people *directly*. Instead, in the county we find government by the people *indirectly*, or representative government. Instead of assembling themselves, the people select a few of their number to meet in the county-seat to act for them. These few who assemble are called *representatives* of the people, those who *act for* or *speak for* the people. Representatives are chosen only for a short time and if they do not obey the wishes of the

people who choose them, others may be chosen in their places. It is in this way that the people really have control in a representative government.

Incorporated Towns and Cities.—The people of a town or city that grew up in a county found that they wanted to do many things which the people living scattered over the county had no interest in. The people of the town or city wanted good streets in front of their houses, and lights in the streets, police to guard their stores and houses and many other services which it would not be right to ask the people of the country to help pay for. The people of the town or city needed a separate government which could do what they wanted done and which could collect from them alone the taxes needed. The states, therefore, passed laws to give the people the right to draw lines about the towns, to establish separate governments in them and called them *incorporated towns* or *cities*. A city is larger than a town and its government usually has more power. *Corpus* is a Latin word meaning body. To incorporate means to make into one body, or to give to a group of people, or a group of officials the power to hold property and to sue or be sued in a court like an individual. The line marking the

limits of a town or city is called the *corporation line*. All inside is the city.

Now, a town or city may be thought of as a collection of buildings (dwellings, stores, factories, mills, schools, churches and other buildings, with the land upon which they are built). The corporation line is an imaginary line surveyed, in the United States, close around this collection of houses so that it excludes the farming land. It separates the town from the country. It does not, however, take the people out from under the township and county governments. A man living in a town belongs also under the government of the township in which he lives and under the government of his county. You must remember that a government is simply a group of public servants who are employed to render public services and to do public work. Thus, the people of a city have three groups of local public servants, the city, township and county governments; while the people of *the country*, because they need less service and want less public work, have only the two groups of local public servants: the township and county governments.

In the Philippines.—Often when we meet a friend in a *barrio*, we ask, "Where are you going?" He replies, in his native language, perhaps, "To town."

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He means to the central part of the town, where are usually the large stores and the public buildings. This same expression is in common use in the towns or cities of the United States to distinguish the business part from the residence part of the town or city. When we use the word "town" in this sense, we use it differently from the meaning which the law gives it. Legally, a town in the Philippines is not only this central part, but it includes all the *barrios* and a great deal of farming land about them. So that a man may be working in a field two or three miles from the center of the town, and far from any house, yet he may be in the town. He may be inside the corporation line, for the corporation line is drawn around a wide extent of *country*.

Our town is different from a township or county, however, because our people rarely live scattered over the *country*. Nearly all the farmers, like the other inhabitants, have their houses in the central part of the town and go out to their work in the fields.

On the other hand, our town, for the purposes of government, resembles the American town or city for, in spite of the fact that our town includes some fields and farming land about it, the principal fact

about any town, in any part of the world, is that it consists of a great many people living close together in a small area. The needs of our people living in towns are about the same as the needs of people living in towns anywhere. Consequently we find that town and city governments are very nearly the same everywhere.

We would find, then, that our town government resembles the town and city governments of the United States. The duties and powers are about the same, except that the Philippine towns have the added responsibility of protecting laborers and property in the fields inside their corporation lines.

In view of these facts, students who wish to read more about the forms of government in other countries, which are most like their own, will read books about *municipal government*, or the government of incorporated towns or cities.

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CHAPTER XII.

THE HISTORY OF PHILIPPINE TOWN GOVERNMENT.

Origin.—The Philippine town had an origin very different from either the origin of the New England township or the origin of the western township of the United States. The Malay race, to which nearly all Filipinos belong, has always been a race of sailors. They inhabited the islands or the coast of the sea and in earlier times lived more upon the water than they do now. They had large boats which carried 50 to 100 persons. These were sail boats and were very swift. They were called in the Malay language *balangay*. The people were great wanderers and traveled from island to island. Usually one family traveled in each *balangay*. There was the old man, his children and their children, and all their servants and slaves. This old man was the captain of the *balangay*. He was, like the patriarch of Bible times, the head and ruler of the family.

The Malays who came to settle in these islands are supposed to have lived in the Island of Sumatra from where they wandered to their final home here.

Where they landed in these islands and drove the

little black people, whom they found already here, into the mountains, they selected their homes and the group of people which came in each *balangay* built their houses together and formed a little village. In time this group of people came to be called a *balangay* also.

The head man was called *datu*, which in the Malay language means "grandfather." The head men were captains in the wars, governed the people and were obeyed and respected.

Often several *balangay* settled together in a large village and helped each other in their wars, forming alliances for short periods.

There was no union of all the inhabitants nor of all the people in a tribe. Sometimes a strong man collected many *balangay* under his command, as did Rajah Soliman whom the Spaniards found ruling in *Maynila*, when they first came. The people lived a very simple life, fishing, hunting, fighting and farming a little, with a form of government very simple indeed, in many ways like the governments of all primitive people.

Spanish Occupation.—When the Spaniards came, they made very little change at first. They had towns in Spain, so they called each large village a *pueblo* or town and the part occupied by each

balangay, they called a *barrio*, which is in English *ward*, a division of a city.

They made the head of each *balangay* a tax collector and preserved the old word in a Spanish form, for the tax collector was called the *Cabeza de Barangay*.

As fast as the islands were conquered they were divided and over each division was placed a ruler called an *encomendero*. He was Governor, Judge and the chief collector of tribute. The men were enrolled by name and an annual tribute was collected as taxes. The tribute was 10 *reales* for every man. A part of the tribute collected was paid to the church, a part to the Spanish army and the remainder was paid into the Royal Treasury.

Alcaldes.—After a time the provinces were marked out and an *Alcalde* appointed as a Judge and Governor in each. He received a very small salary, but he often made a great deal of money. The tribute was often paid in rice. The *Alcalde* received the rice from the people at a very low price and by charging the real value for the portion which he sent to the Royal Stores to pay the tribute, he could keep a large portion for himself. The money for which he sold this portion of the rice went into his own pocket. The things which we

have learned governments ought to do for the people were not done.

Not for the People.—This early government was *not for the people*. It was chiefly for the purpose of collecting tribute. Spain was ambitious in those times to be the ruler of a great empire and to have many subjects, who acknowledged their allegiance by paying tribute.

Gobernadorcillos.—In later times, petty Governors were appointed to rule each town. These were called *Gobernadorcillos*. They were Filipinos. All of the Governors of the provinces were Spaniards. The *little* governors were simply agents or tools of the *big* governors, who really ruled all the towns in their provinces. Forty days' labor on the roads was required from each man; later this was reduced to 15 days. If a man did not care to work he could pay \$3.00 a year in addition to the tribute. The rulers preferred to have people pay rather than work. The local government had very little money to buy materials for public work, for nearly all the taxes were paid to the central government, and so the labor could not be used to advantage.

These very rude forms of government continued nearly three centuries. In fact it was not till 1886 that Judges were appointed in the provinces. Be-

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fore that year the *Alcalde* was both Judge and Governor and had all the power in his hands. He was above the law. In 1886 Governors were appointed in eighteen provinces and the *Alcaldes* were given only the duties of Judges.

Spanish Municipios.—In 1893 the form of town government was changed. The plan adopted in that year was called the Maura Law, from the name of the Spanish Minister who proposed it. Maura saw how much the local government needed reform and he tried to reform it. But, although the reformed system was far better than the old, it did not give the people of the towns as much power and freedom in their local government as does the present system, which we shall study in the following chapters. Moreover, it was a very different kind of government from our present one. The power to choose the officials of the town was limited to a very small class of citizens, called the *principalia*. The *principalia* was the group of *principales*. A *principal* was a man who had been *cabeza de barangay* a number of years, a *capitan-municipal*, or a *lieutenant*, or who paid \$50 annual land-taxes. These few men were the only people of the town who had the right to vote. They were the governing class of the town, and all the others,

by far the larger number, had no part in the government. No matter how intelligent a man might be, he could not help in the government unless he had been one of the officials named or unless he paid \$50 annual land-taxes. Such a government is called an oligarchy, or a government by a few.

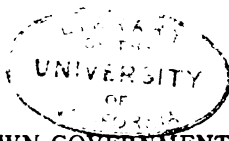
But even the *principalia* did not themselves elect the town officials. They chose twelve men of their number, who were called *delegates*, and these delegates chose the officials. The officials were a *capitan-municipal* and four *lieutenants*. These five officials were called collectively the *tribunal*. They had charge of all public work and the collection of taxes. Some things could be decided upon by the five officials of the tribunal alone; sometimes the twelve delegates of the *principalia* met with them; but the *capitan* always had the power to refuse to do what his counsellors had decided upon. In this way an ambitious *capitan* could become the real ruler of the town and a wicked *capitan* could abuse his power to oppress the people or to enrich himself.

The *cabezas de barangay* were important officials. They were the head-men of the *barangayes*, each of which consisted of one hundred or one hundred and fifty families. Their chief duties were to collect

the taxes from the people under them, to make the lists of the people of their *barangayes* who were to work fifteen days each year on the public works, and to classify the people according to their occupations to determine how much they should pay for their *cedulas*. (See Ch. IX.) To select a *cabeza de barangay* the five officials of the tribunal and the delegates of the *principalia* made a list of three names, which was presented to the governor of the province, who appointed one from the list.

A great evil of the town governments in Spanish times was the interference of the Spanish curate, or parish priest. The Spanish friar, who acted as curate, was made a part of the town government by law, and nothing important could be done without his consent.

The New Town Government.—We come now to study in detail the new government that was established in the towns in the years 1900 and 1901. It is a government by the people of the town. It opens the power to govern to all the people by providing that every man who learns to read and write may vote. Getting the right to help govern depends upon each man himself and not upon the choice of a few rulers of the town. When all the people become educated it will be a government



by all the people. It is representative in form. The people do not govern directly, but they have the power to control the government, for they choose the men who act as representatives to make the town laws.

The new plan also provides that a large part of the taxes collected are kept by the people of the town to be spent by them for public work in the town.

CHAPTER XIII.

THE NEW TOWN-GOVERNMENT.

Municipal Code.—We have seen that the government of an “incorporated town” or city in the United States is created by the government of the state in which the town or city is located. Sometimes the central government of the state makes a special law to establish a peculiar form of government in some very large city, but the form of government of nearly all the cities is outlined in one law, called a *general law*, that is, a *law for all*. In the Philippines, Manila has a government different from the other towns. All the others have one kind of government. They are all established by a general law of the central government, called the Municipal Code.

A code simply means a collection of laws. The Municipal Code is all the laws establishing and outlining town government printed together for convenience. The Municipal Code gives only an outline of the government of the town. It does not make one-half of the laws of the town, indeed, it makes much less than half. It tells how many

and what officials a town shall have, what are their powers and duties and how they shall be elected. It tells what taxes shall be collected. It also tells what kind of laws the municipal government may make.

The Municipal Code is like a book which tells how to make a watch to have it run well; a book which says that the watch must have a main-spring, a balance-wheel, a hair-spring, a face and hands. If we were to try to make a watch from this description, we should find that there were many other parts to make, and that all of these parts must be nicely fitted together. When the watch is finished it is wound up and it runs. Now, who is it that makes these other parts, puts together and winds up the government of the town? It is the people of the town. It would be impossible for the Municipal Code to contain all the laws for the town and, besides, we have learned that local government is the best government. So the greater part of the government of the town is left to the people themselves, or to those who are qualified to do it.

There is this difference between a watch and a government. The wheels and springs of government are living beings. They are the officials and are selected from among the people of the town.

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Some of the people of the town are the government of the town.

Town Officials.—First among the officials is the President of the town, who has many duties. He commands the police, acts as a Judge and directs the public work. Of course the duty of the police is to keep order in the town. The Justice of the Peace has the duty of protecting our rights and punishing criminals. The Municipal Treasurer collects some of the taxes and keeps the money of the town. The Vice-President takes the place of the President, if the latter dies in office, is sick or away. When he is not acting as President, he is a Councillor. The Municipal Secretary is the secretary of the council meetings. He keeps a record of births, deaths and marriages. He has also other important duties. The Councillors are the law-makers of the town.

The Council.—The Council is the group of men who meet in the town hall to make the laws of the town. They are the real government of the town because they have the most power.

The Number of Councillors.—The number of Councillors varies according to the size of the town. There are four classes of towns, or municipalities. Those which have 25,000 or more inhabitants have

eighteen Councillors. Those which have between 18,000 and 25,000 inhabitants have fourteen Councillors. Those which have between 10,000 and 18,000 inhabitants have ten Councillors. Those which have less than 10,000 inhabitants have eight Councillors.

The outline of government in the Municipal Code is the same for towns of all classes with this one difference in the number of Councillors.

The Vice-President, as is said above, is also a Councillor unless he is taking the place of the President. Ordinarily, then, we must add one to each of the numbers given above to get the real number of Councillors. How many Councillors has your town?

The Council Meeting.—The Councillors meet in the town hall once in every two weeks and more often—if there is any special business. The meetings are public and anyone may attend if he observes good conduct and does not disturb the meeting. Let us see what goes on at a council-meeting.

The meeting is held in a large room. In the center at one end is the desk and chair of the President. The word *President* means the man who *presides*, or sits at the head of a Council or a

meeting. That was the old meaning. It is now used to mean this and sometimes a little more, as the chief official of a town. In the United States, the highest official of the country is called the President of the United States. The President of a town is the highest official of a town, but in the council-meeting, he only presides. We shall soon see better what this means.

In front of the President are seated the Councilors, facing him, or on two sides facing each other. There is also another official present. He is a very important one. It is the Municipal Secretary. He keeps a record of everything that the Council does during the meeting.

When the hour comes for the meeting to begin, the President raps on his table and says: "The Council will please come to order." Everybody becomes quiet. If the Councilors are not already in their places they will take them. The Secretary calls the roll. If more than half of the Councilors are present, the meeting may go on; if not, those who are present can do nothing but pass a rule or an order to compel the others to attend. When there are less than half present, it is said that there is no *quorum*. A *quorum* means enough members to do business according to law. There is almost

always a quorum present and usually all the members attend because it is their duty to do so.

When it is found that there is a quorum present, the Council takes up some matter of town business. Let us suppose that the business of this meeting is about building a new street. One of the Councillors stands up and *addresses the chair*. He says, "Mr. President." The President replies, "Mr. A," calling him by name. In this way Mr. A gets permission to speak. Mr. A then says, "Mr. President, I desire to present the following resolution:"

"Resolved by the Municipal Council of the Municipality of X that a street be built" (Here the exact location of the street is given, the grading and kind of material, etc.) "and the sum of \$1,000 is hereby appropriated from the Municipal Treasury to pay the cost thereof."

Perhaps Mr. A reads the resolution; sometimes the Secretary does so. When the reading is finished, Mr. A adds, "I move that the resolution be adopted."

Mr. B, another Councillor, immediately rises and says, "Mr. President."

The President gives him permission to speak by addressing him, "Mr. B."

Mr. B then says, "I second the motion."

The President then says, to the Council, "You have heard the reading of the resolution. A motion has been made and seconded for its adoption. The question is open for discussion."

All this form or something like it is necessary to get the question clearly before the Council, in order that business may be done in an orderly manner.

Mr. A now rises and gives the Council reasons why the street is necessary, convenient and a benefit to the town. He will also discuss the material and construction. Perhaps he will discuss the condition of the Treasury to show that there is sufficient money to build the street. He talks to the point. Councillors usually say in a few words the plain facts and do not waste words trying to make fine orations.

Mr. C, who is opposed to building the street, rises, addresses the President, is recognized, and says, "Mr. President and Gentlemen of the Council, it does not seem wise to me to build this street at this time." He continues to state his reasons.

Sometimes every Councillor speaks, more than once, perhaps, and even then the question is left over for another meeting. In nearly all important questions like this one the decision is left to another meeting to give the Councillors time to think and to

hear what their neighbors think about it. Other men who are not Councillors may get permission to speak to the Council or the Council may ask them to do so. Solomon said: "In the multitude of counsellors there is safety."

When at last all the discussion is over, the President asks the Council,

"Are you ready for the question?"

The President then orders the Secretary to read the resolution again. The President then says,

"All in favor of the motion may signify it by saying, 'aye.'"

The Councillors who favor the resolution respond, "aye."

The President continues, "Those opposed, 'nay.'" The Councillors who are against the resolution respond, "nay."

The President then announces whether there are more who favor or more who oppose the resolution. He makes the announcement thus,

"The 'ayes' have it and the motion is carried."
Or,

"The 'nays' have it and the motion is lost."

If any member is not satisfied with the President's announcement he may demand that the roll be called. The Secretary calls the roll and when his

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name is called each Councillor responds, "aye" or "nay," and his vote is recorded after his name in the Journal of the Council. In this way the vote is decided exactly. Besides, this Journal is public and the people may see in it whom to praise or blame for passing or defeating the resolution.

Ordinarily what we have seen is the way town laws are made. A resolution is presented by a Councillor, containing some proposition for the government of the town. The resolution is discussed and voted upon. If a majority vote in favor of the resolution, it passes, or becomes law, and is called an *ordinance*. Municipal laws are called ordinances. Ordinarily, a majority of the Council is sufficient to make municipal ordinances. The President, ordinarily, has no part in making the decisions. But sometimes he does take a part.

The President's Part in Law-making. (1) Tie.—Whenever there is a tie-vote, that is, when the number of "ayes" and "nays" are equal, the President may vote to decide. This is the only time that he has a right to vote.

(2) Veto.—After a resolution has been passed by a majority of the Council, before it becomes law, the President may approve it or veto it. If he approves it, he signs his name to it. If, however,

he thinks that it is against the public welfare, he may object to it and state his objections to the Council. This is called "vetoing" the resolution. *Veto* is a Latin word which means I forbid. Yet the veto does not prevent the ordinance passing, provided two-thirds of all the Councillors think that it is a good one. For, after the veto, the Council votes again and if two-thirds of all the Councillors answer "aye," the ordinance passes in spite of the veto.

The good of the veto is that it causes the Councillors to think very seriously about the question and to be very sure that it is right before they pass it. If it is doubtful it will surely fail because two-thirds will not favor it.

If the President neither signs nor vetoes an ordinance within five days after its passage it becomes a law without his signature.

Duties of the Council.—We now see what is meant by saying that the Council makes the laws of the town. We have learned that law-making is the method of government. The law-makers in any government are the real rulers.

Let us now see what kind of laws, or ordinances, the Municipal Council can make. Here is a long list of things that the Council must make ordinances about in order to have them done. The Municipal

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Code gives the Council power and says that it must make ordinances:

(1) To establish, maintain and regulate a police department.

(2) To establish and maintain primary schools.

(3) To build and repair streets.

(4) To erect all necessary public buildings.

(5) To build and repair bridges.

(6) To provide for lighting the streets.

(7) To have the houses and lots numbered.

(8) To keep the town clean and healthful, (a) by cleaning the streets; (b) by making laws to punish people who throw filth and garbage into the streets; (c) by ordering owners and tenants to clean dirty houses and lots. If owners or tenants do not do so, the Council may have the cleaning done and make the owner or tenant pay for it.

(9) To make rules for inspecting all kinds of food offered for sale.

(10) To prohibit and punish intoxication, fighting and other disorderly conduct.

(11) To levy taxes.

These are eleven very important things that the Council may and must do. There are many others, which may be found in Chapter IV. of the Municipal Code.

In order to compel the people to obey the ordinances the Council fixes penalties to punish those who disobey. There are two kinds of penalties, fines and imprisonment. The highest fine that the Council may fix is 200 pesos. The longest imprisonment is for six months. A penalty may be both fine and imprisonment.

We now understand what great powers the Council has.

The President as Chief Executive.—We also see what a mistaken idea some people have who think that the President is a kind of despotic king who rules the town. The President of a town does not want people to think him a despot, because he is not one. He has a high office and people will respect him. A despot is a ruler who orders done whatever pleases him. The President may do only what the law directs or permits him to do.

The President is called the *chief executive* of the municipality. To execute means "to have done." To execute a law means to do what the law orders done or see that the persons named in the law do it. * It is the duty of the chief executive to see that things are done as the laws order. This is called enforcing the laws. Usually all the people obey and everything is done quietly and orderly and the

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President does not use force. Yet if he has to use force, he has command of the police for this purpose. In fact, the police are constantly going about to see if the laws are obeyed. If any man violates a city ordinance, the police arrest him and bring him before the President. The President then acts as a Judge.

The President as a Judge.—The President holds a court to try violations of municipal ordinances. The President may order an arrest; the policemen may arrest if they see or suspect that wrong is being done; or a private citizen may complain against a wrongdoer and have him arrested. The trial is very simple. The charge or accusation is read to the accused. He pleads guilty or not guilty. The accused has the right to bring his witnesses and the President may summon others. After hearing the witnesses, if the President finds the accused guilty, he may punish him according to the penalties fixed by the Council.

This trial is simple because it is final only in small offences. If the penalty is a fine of more than fifteen pesos or imprisonment for more than fifteen days, the accused may appeal to the Court of First Instance. If the accused appeals and does

not give bail, he must remain in jail until his trial in the Court of First Instance.

In all cases the President must give the accused a hearing as soon as possible after his arrest. This is nearly always within twenty-four hours. The President would indeed be a despot if he could keep people in prison without trial.

Appointing other Officials and Assistants.—Thus the President has a small part as a law-maker, he is the chief executive, and he acts as a Judge. He also has the power to appoint some of the officials and assistants. The Municipal Treasurer, the Municipal Secretary, and all assistants are appointed by the President with the consent of the Council. The President thinks of a man whom he considers a good one for the place and gives his name to the Council. If a majority of the Council approve the selection, the man named is appointed. If a majority of the Council do not approve, the President must name another man. The right of selection belongs solely to the President; the Council has only the power to prevent the President selecting a bad or incapable man and this, of course, is a power very important to the welfare of the town.

In appointing the Municipal Treasurer the ap-

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proval of the Provincial Board must also be obtained.

Suspending and Removing Non-elective Officials and Assistants.—All the officials and assistants appointed by the President with the consent of the Council are called appointive-officials, or non-elective officials, to distinguish them from the President, Vice-President and the Councillors, who are elective. All non-elective officials and assistants may be suspended from office for fifteen days by the President, and with the consent of a majority of the Council may be discharged from office.

A Councillor can be suspended or expelled by two-thirds of all the members of the Council, if there is good cause.

CHAPTER XIV.

TOWN ELECTIONS.

How Officials are Chosen.—We come now to learn how the officials are chosen; or, how the people really govern themselves. For our municipal government is representative government and the people in choosing representatives may choose those who believe what they themselves believe and will do what they desire. The representatives, or Councillors, are chosen *by the people*. So, too, the President and the Vice-President.

We have learned that the officials are only our neighbors. Some *of the people* are the government of the town.

In speaking of officials in Chapter III, we said that all officials are chosen to perform some service *for the people*.

We can now understand the saying of President Lincoln that representative government is “government of the people, by the people, and for the people.”

The choice by the people of some of themselves to be officials is called an *election*.

The people make their choice by voting.

The right to vote is called *suffrage*.

The Suffrage.—Not all the people have the right to vote. Suffrage is called by many writers a privilege, not a right. It is better to think of it as a right that every *intelligent and capable* man has to take part in the government. Society takes away this right from men who would probably use it to injure society. Criminals may be deprived of this right. Insane or feeble-minded persons do not have this right. Persons who have not paid their taxes and traitors to the country do not have the right to vote. Boys and young men under twenty-three years of age are denied this right because their intelligence is not mature. Women do not have this right, because it has been the custom in all ages and in all countries to give the business of government to men only.

Equality.—Thomas Jefferson said in the Declaration of Independence of the United States of America, "All men are created equal; they are endowed by their Creator with certain unalienable rights; among these are life, liberty and the pursuit of happiness." He did not say, however, that all men have an equal right to vote. He meant that all men should be equal under the law. The law

should protect all men's lives and liberty equally. Justice is for the rich and for the poor, for the governor and for the humblest citizen alike. By equal right to the pursuit of happiness, he meant that every man has a right to the best life he can make for himself and the best home that he can build for himself.

There is no perfect equality in the world. All men are different. Some men are born rich, some are born poor. Some are more intelligent than others. Some succeed while others fail. There is no country in the world where all men are equal in all things. A great free country gives every man an *equal opportunity* to become intelligent and well-to-do. As we have said, the laws protect all alike in life, property and business. The public work is done for all equally. Public schools are open and free to all. This is what we speak of today as *equality of opportunity*. This is the great blessing of liberty and free government.

Equality of Opportunity.—Do not forget this great principle of government.

President Lincoln was born of very poor parents. His family lived in the wilderness and had no money to send him to school. He worked hard, studied at night, became a lawyer, rose rapidly in his pro-

fession and was finally elected President of the United States at a most critical time. He was always a deep friend of the common people. He loved them and was loved by them. He explained the saying of Jefferson as a great ideal which every nation should keep before it. "We do not have equality," he said, "and we never shall; but let us try hard to become as nearly equal as is possible." That nation, he thought, would be greatest and happiest whose people were most nearly equal. In order to become more nearly equal the people must get rid of ignorance and poverty, and to do that they must have just laws and free schools. With just laws and free schools, every man has an opportunity. If he does not become intelligent and well-to-do, it is his own fault. If he is lazy and idle, if he fails in his own life, we cannot allow our lives and happiness to be put in danger by giving him a part in the government. He loses his right to vote.

Yet if we make the standard too high so that many people cannot become electors, only a few will have the right to vote and we are in danger of government by a few, called an oligarchy, which is one of the worst forms of government. Government by a few means that others may govern

us; government by all means that we may have a part in the government. It is this kind of government, government by all, that we hope to have sometime.

So, in the Philippines, only the intelligent and capable can vote, but every man has an opportunity to become a voter. Every man may obtain the right to vote if he prepares himself. Every child should prepare himself for this great right. If every child does prepare himself to become a voter, in time all men will be voters and we shall have government by all.

To bring this about will require a long period of gradual progress. In the United States nearly all men, but not all, have the right to vote. Public schools have been established about three hundred years; nearly all the children go to school and the country is now getting the benefit. Ignorance is a stubborn enemy, but he is surely, though slowly, dying.

Who Can Vote.—A person who has the right to vote is called an elector. Who may be an elector? Here is Section 6, Chapter II of the Municipal Code, which tells what qualifications a person must have to be an elector. Study it carefully.

Sec. 6. The electors charged with the duty of

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choosing elective municipal officers shall be male persons, twenty-three years of age or over, who have had a legal residence in the municipality in which they exercise the suffrage for a period of six months immediately preceding the election, and who are not citizens or subjects of any foreign power, and who are comprised within one of the following three classes:

(a) Those who, prior to the 13th of August, 1898, held the office of Municipal Captain, Gobernadorcillo, Alcalde, Lieutenant, Cabeza de Barangay or member of any Ayuntamiento.

(b) Those who own real property to the value of 500 pesos, or who annually pay thirty pesos or more of the established taxes.

(c) Those who speak, read and write English or Spanish.

A study of this section shows that there are four general qualifications; I mean qualifications that all electors must have. These are the qualifications of age, sex, residence and citizenship.

What is the age qualification?

What is the sex qualification?

What is the residence qualification?

What is the citizenship qualification?

Now if a man has all these, he must have at

least one other to be an elector. He must have the educational qualification, or the property qualification, or certain political experience. Of course a man may have all three of these qualifications or any two of them. One is enough. We shall call these three the special qualifications.

What is the educational qualification?

What is the property qualification?

What political experience qualifies?

We understand, then, that a person must have the four general qualifications and one special qualification to be an elector.

When Elections are Held.—Elections are held on the first Tuesday of December of each year. The term of office of the President, Vice-President and the Councillors is two years. At the first election, lots were drawn to divide the Councillors into two equal groups. One of these groups served for one year and the other for two years. At the end of the first year one-half of the number of Councillors were elected and so on each year following. In this way there are always in the Council men who have had at least one year's experience. The President and the Vice-President are elected every two years.

Power Returns to the People.—All the power of

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government returns to the people every two years. Once the officials are elected the power of government passes to them. They are the government. But if it is found that they do not obey the wishes of the people and work against the public good, other officials may be chosen at the next election. Election day is a day of judgment. The Councilors who represent the people may be changed half one year and half the next. In comparing government to a watch of which the officials are the wheels and springs, we said that it is the people who wind up the watch of government. They never allow it to run down. They wind it each year when it is only half run down.

Parties and Candidates.—Not all the electors of a town agree upon questions of town government. Perhaps some of the electors think that the old Council has done some unwise things or has refused to do some things that the people want; while others praise the policy of the old Council and desire to have it continued. These people form two parties. Sometimes they disagree about some important question that they know must be decided by the new Council. Some want a new school-house, others are opposed to having a new school-house. Some say that saloons should pay

a high license; others want the licenses to be low. However the people divide, the divisions form parties. They are called *political parties*, for this matter of getting office and electing officials is called *politics*.

The electors in each party usually agree among themselves upon certain men for whom they intend to vote. These men are called *candidates*. If a man desires to be elected to some office, he may announce that he is a candidate. His friends form a party for him. Some men go about the town, making speeches, or calling upon the electors to ask them to vote for their candidate. These men who work for the candidates are called party-workers. They are also called politicians, or persons who take a great part in politics.

In countries where government by the people has existed a long time, there are always two or more parties. Each party decides before the election who shall be its candidates for the offices, and a great campaign is carried on to gain votes for the party and its candidates. A political campaign means making speeches, writing newspaper articles and calling upon electors.

Corruption and Bribery.—Bribery in elections is the use of money to influence electors to vote for

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a certain candidate or with a certain party. This is corruption also, for corruption means all the evil things that may be done to get an unfair choice. No candidate who offers money, or allows a party worker to offer money, to get himself elected to office should ever be trusted by the people. A man who shows dishonesty before an election is sure to show it afterwards, and the people are taking a dangerous risk when such men have control of the town government and the town money.

Sometimes there are corrupt rascals who try to get the votes wrongly counted, or to send in false reports of the election in order that they may be declared elected even against the will of the people. Such men must be watched at every turn.

Good, honest men are the ones that the people want to conduct the government and there should be a fair and honest choice. If a party and its candidates desire to succeed in an election, let them adopt good policies for the public welfare and influence electors by showing in honest argument that their policies are best for the town. Trust the people to decide rightly if they have the question put to them fairly. This is the only principle upon which government by the people can endure.

Public Notice of an Election.—For the first five

days of November, the President of the town keeps a notice posted giving the time and place (always the town hall) of the election and the names of the offices to be filled, and directing all electors to come before the Municipal Secretary to take the elector's oath. They must take the oath between the first and fifteenth of November.

Here is the form of the notice or proclamation.

PROCLAMATION.

Pursuant to the provisions of the Municipal Code a General Municipal Election is appointed to be held at in the Municipality of Province of on the.....day of....., 19...., between the hours of 8 a. m. and 4 p. m., to fill the offices of

MUNICIPAL PRESIDENT,

MUNICIPAL VICE-PRESIDENT,

and.....MEMBERS OF THE MUNICIPAL COUNCIL.

In order to vote at said election, any person qualified as an Elector must personally appear before....., the Municipal Secretary, on or before the.....day of....., 19...., and take and subscribe the Elector's Oath, required by law to be taken by an Elector, before his name shall be placed upon the LIST OF QUALIFIED ELECTORS.

Done under my hand in the Municipality of....., Province of, this..... day of..... 19....

.....
President of the Municipality of
.....

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One copy of this proclamation is posted at the entrance of the town hall and one in a public and conspicuous place in each barrio.

Elector's Oath.—Every male person of proper age who reads this book intelligently should know the elector's oath, for he is qualified to be an elector.

ELECTOR'S OATH.

I,, do solemnly swear (or affirm) that I am a male resident of the municipality of....., in the.....; and shall have resided therein for the period of six months immediately preceding the next municipal election; that at the date of said election I shall be.....years of age; that I am not a subject or citizen of any foreign power; that I shall in all respects be entitled to vote therein at the next election for municipal officers; furthermore, that I recognize and accept the supreme authority of the United States of America and will maintain true faith and allegiance thereto; that I will obey the laws, legal orders and decrees duly promulgated by its authority; and that I impose upon myself this obligation voluntarily and without mental reservation or purpose of evasion, so help me God. (In case of affirmation, the words "So help me God" should be stricken out.)

(Signature of the elector.)

Subscribed and sworn to (or affirmed) before me thisday of....., 19....

(Signature of the Municipal Secretary.)

List of Qualified Electors.—As soon as possible after the fifteenth of the month, the President makes a list of all persons who have taken the elector's

oath and posts the list at the entrance of the town hall. He also makes separate lists of the persons of each barrio who have taken the oath and posts each list in the proper barrio. These lists remain posted until the twentieth of the month. With each list is a notice setting apart five days, say from the twentieth to the twenty-fifth, in which additions may be made to the list or objections made to remove some name from the list. If any qualified elector sees that his name is not on the list, he may come within those five days and have it put on. If anyone believes that there are names of persons on the list who are really not qualified, he may make a complaint to have the name or names taken off. He must make his objections to the President.

The President, the Vice-President and the Municipal Treasurer form a board to decide whether or not the person who is complained against has the qualifications. They must write to him their decision at once. All decisions must be made in good time before the election. When all doubtful cases are thus decided the list of electors is complete for the election.

Board of Election Judges.—The next step in preparing for the election is the choice of a Board

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of Election Judges. The Election Judges are three in number and they must be qualified electors who are not candidates at the coming election. To help the judges there are two tellers or counters of votes, who must also be qualified electors and not candidates. These five men are chosen before the election by those Councillors who have another year yet to serve. Notice how carefully the men are chosen who conduct the election. This care is taken to select men who have no interest to decide unfairly for one candidate or another. In order that the best and most impartial men may be chosen, the choice is made by those Councillors who have least at stake in the election. The Councillors who are going out of office may be candidates again and therefore they cannot help choose the judges and tellers.

Election Day. Voting.—Let us suppose that the day of the election has come. Let us also suppose that you are an elector. You go to the town hall early. You desire to see how electors vote, for you are to vote today for the first time. You enter the largest room of the town hall. There is a part where the spectators may stand. The spectators are all electors, for no one else is allowed in the room. A part of the room is cut off by a railing

with a gate through which the electors enter to vote.

Inside the railing sit the judges. The oldest judge, called the Chairman of the Board, has the list of qualified electors before him.

Along the wall, inside the railing, are small tables. Between these tables are tall screens, of woven bamboo, or other material, so that a man at one table cannot possibly see what a man at another table is writing. This little room made by the screens is called a *booth*.

On a table, near the judges, is a box with a little slit in the top. It is locked and nothing can be taken from it. If you will ask, you will learn that just before eight o'clock, when the voting began, the judges opened the box and looked in to be sure that it was empty. Then they locked it tightly and the Chairman of the Board now has the key in his pocket. This box is called the *ballot-box*.

What is a ballot? A ballot is the piece of paper upon which each elector writes the names of the men for whom he desires to vote. You see that the tellers have a large number of blank ballots.

Watch the man who enters now. As he walks up to the gate the judges nod to him to enter.

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They know that he is a qualified elector and that his name is on the list. A teller hands him a blank ballot. He goes into one of the booths. He writes a little while, comes out and walks up to the ballot-box. He has his ballot folded so that no one can see what he has written. He speaks out distinctly, telling his name and the barrio in which he resides. The judges look at the list to be sure that his name is there. If they find his name on the list, they say, "All right," and he drops the ballot through the slit into the box. He has voted. The Chairman puts a little mark after his name so that he cannot come back to vote again. For whom did he vote? He only knows. The election is by secret ballot.

Now you enter. You take the blank ballot. You go into the booth. You look carefully at the ballot. It reads something like this:

For President
For Vice-President
For Councillor
For Councillor
For Councillor
For Councillor

The blank spaces are to be filled with the names of the men whom you desire to have as the officials named. You are alone in the booth. You take a final minute to think whom you ought to vote for. You have been asked to vote for this man and for that man. You have been asked many times. You have perhaps been promised certain rewards. Perhaps some men have been so evil intentioned as to threaten to injure you if you vote against them. It is a minute for the highest patriotism. You forget your relatives, your own private business and vote for the men whom you know to be honest and capable, for the men who have served the town well and are able and willing to serve it well in the future. For this minute you have great power. Even if you are poor, your power is equal to that of the rich man in the next booth. The ballot of the President of the town, who now enters to vote, has no more weight than yours. You feel your independence, and you use your power for the welfare and progress of your town.

Nearly all that we have been studying about elections is simply forms and modes which are provided to secure to you a free and honest choice. The real choice or election comes in these brief minutes which you and other electors have in the booth.

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You write in the names, fold the ballot, walk out, announce your name and barrio, and drop your ballot into the box.

Counting the Vote.—Do not go yet. At four o'clock, the voting stops and the ballots are counted. If you are quiet you may remain to see the counting. It is not secret. The Chairman of the Board of Judges unlocks the box. The judges and tellers count the votes, some reading the ballots, others keeping count by making a mark for each vote after the name of the candidate receiving it.

Plurality.—Let us suppose that there are three candidates for President, and that there are 700 ballots cast.

Mr. A. receives 302.

Mr. B. receives 290.

Mr. C. receives 108.

Mr. A. is elected because he has received more votes than any one of the other candidates. *More than any other one* is a *plurality*. A plurality is different from a majority, which we have seen is the deciding number in the votes of the Council. A majority is *more than half*. Mr. A. did not receive a majority of the votes.

Let us suppose another result.

Mr. A. receives 360.

Mr. B. receives 200.

Mr. C. receives 140.

Mr. A. has a plurality and also a majority.

In Municipal elections, a plurality is sufficient to elect.

Certificate of Election.—When they have finished counting, the judges and tellers make and sign a certificate showing the result of the election and declaring who are elected. Two copies of this certificate are made and one of them is posted at the entrance of the town hall with the notice that if any resident has any reason to think that any man elected is not qualified for office, or that there has been a wrong count, or that the election has been illegal in any way, he may come within three days and state his objections to the Board of Judges or to its chairman.

If any objections are made, the certificate and the objections are sent to the Provincial Board, who decide upon them. If the Provincial Board decide that the election has been illegal or that one of the men is not qualified, they may order another election.

The elected officials take their offices on the first Monday of January following the election.

Qualifications of Officials.—The Municipal Code, Section 14, Chapter IV., reads as follows:

“Sec. 14. A President, Vice-President or Councillor shall have the following qualifications:

“(a) He shall be a duly qualified elector of the municipality, twenty-six or more years of age, and shall have a legal residence therein for at least one year prior to the date of election.

“(b) He shall intelligently speak, read and write either the Spanish or the English language or the local dialect.”

Ecclesiastics, soldiers in active service, officials or employees of the Provincial or Central Government, or men who have contracts to do the public work for the town cannot be elected or appointed to offices in the Municipal Government.

Oath.—Before taking office every official must take the oath of office pledging himself to be faithful to the government and to faithfully perform the duties of his office.

Bond.—Every municipal officer who has charge of municipal funds must give bond as a guarantee to the town that he will honestly keep and use the money of the town as the law directs him. This bond is a writing which is signed by the official and two or more property owners. If the

Treasurer, for example, in any way misuses the town money, or fails to account for it, the town may sue him and the other signers of his bond in court, and collect the loss from them or their property. The amount of the bond is not less than one-half of all the municipal money which shall come into the official's hands in one year.

Councillors Elected at Large.—The Councillors represent all the people of the town, but each Councillor represents especially one or more barrios. If the number of Councillors is equal to the number of barrios, the Council assigns one Councillor to each barrio. If there are more barrios than Councillors, the barrios are grouped into districts and each district is assigned to one Councillor. The central barrio, or district, is assigned to the Vice-President. The Code says that each Councillor shall keep the people of his district informed about the acts of the Council and that he shall present to the Council the special needs of the people of his district.

Although, however, each Councillor represents a district, he is not elected by the people of his district only, nor is it necessary that he shall be a resident of a barrio which he represents. He is elected at large, or, as we have seen, by all the electors

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of the town. In this way the very best men in the whole town may be chosen. No good man need be left out simply because another has been elected from his barrio. He may be elected and assigned to another barrio.

CHAPTER XV.

THE GOVERNMENT OF A PROVINCE.

The government of a province is much simpler than the government of a town. It consists of only a few officials. It has only a few duties. It does things that are of common interest to all the towns. It unites the towns under one government and is the connecting link between the towns and the central government.

What the Provincial Government Does.—Although the duties of the provincial government are few, they are very important.

1. It helps the towns keep order and keeps order along the roads and in the country.
2. It collects taxes to pay for the things it does and nearly all the taxes for the towns also.
3. It builds and repairs roads between the towns, and builds bridges and ferries.
4. It maintains a free provincial school for the benefit of all the children of the province.

The Provincial Officials.—The provincial officials are five: The Governor, the Treasurer, the Secretary, the Fiscal, and the Supervisor.

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The Governor.—The Governor is the highest officer of the province. He is the executive officer of the province, as the President is of the town. He is president, or chairman, of the provincial board. He is also the executive officer of the Court of First Instance, which will be explained in the chapter about courts.

When thinking of the Governor's power it is well to remember what was said about the president of a town. The Governor, like every other official, and every other official like the Governor, has no power which the law does not give him. He must do what the law says, and if he tries to use power which the law does not give him, he violates the law, and may be punished by the courts in the same manner as any other person.

On the other hand, for those things that the law commands him to do the Governor has great power. He is the highest peace officer of the province. He commands the police and may call the police of one town to suppress disorder in another. He may call out the constabulary in case of serious disorder.

It is the duty of the Governor to visit every municipality in the province at least once in six months. If he finds that any municipal officer is neglectful of his duties, or guilty of any miscon-

duct in office, he may suspend him and report him to the Commission, which shall judge of the wrong.

The Provincial Treasurer.—The Provincial Treasurer collects all the taxes collected in the province for the province, for the towns and for the central government. As we shall see, it is very little that he sends to the central government.

The Provincial Secretary.—The Provincial Secretary keeps all the records of the province. In the absence or illness of the Governor he acts as Governor. He is the secretary of the Provincial Board at all of its meetings, where he has duties like those of the Municipal Secretary at the Council meetings.

The Provincial Supervisor.—The Provincial Supervisor is a trained civil engineer. It is his duty to keep the roads of the province in repair and to plan the building of roads, bridges, and public buildings.

Sometimes he takes charge of building these himself; sometimes they are built by contractors. Public work is often done by contract. The plans telling just what is wanted to be done are published in newspapers or by notices and any one who cares to undertake the work may send a written offer called a bid, stating how and at what price he is willing to do the work. Usually many bids are re-

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ceived. The government then decides which is the lowest and best bid, and usually gives the contract to the man who makes it; but, if the government is not satisfied with the bids received, it may refuse them all. A contractor hires the workmen, sometimes furnishes all the material and sometimes not, according to the terms of the contract, and does the work, exactly as he would if working for a private citizen. When the work is satisfactorily finished, the government pays the contractor for it.

If the public work of the province is done by contract, the Supervisor makes all the plans and advertises them. Often, as is said above, he does the work himself, that is, he hires men to do it and directs their work.

The Provincial Fiscal.—The Provincial Fiscal is the public prosecutor of the province. He is a lawyer. It is his duty to bring charges against any official or private citizen who commits a crime in the province, or who he is reasonably certain has committed a crime in the province. He then comes into court to complain against the accused and to conduct the trial against him.

The Fiscal is the adviser of the town governments and the provincial government about all matters of law. Whenever they have any doubt what the law

is or what a law means they consult the Fiscal. If any suit is brought against the government of town or province, the Fiscal is the lawyer to defend the government.

The Provincial Board.—The Provincial Board is the council of the province. It is the only body of law-makers of the provincial government. We have seen that whatever government does, its method is to make laws ordering persons to do the work and granting money to pay for it. The laws of the Provincial Board seem very simple. They are merely orders, but they have the force of law.

Who Constitute the Board.—There are only three members of the Provincial Board, the Governor, the Treasurer, and the Supervisor. The Provincial Secretary acts as Secretary at all of its meetings. The Governor is chairman, or president.

Meetings.—The Provincial Board holds regular weekly meetings, and special meetings upon the call of the Governor. All of the meetings are open to the public. These men are doing the people's work and the people have a right to see and know how they do it.

Duties of the Provincial Board.—The principal duties of the Provincial Board are: .

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1. To fix the rate of taxation on real estate for the provincial revenue, within the limits fixed by law
2. To buy, rent or build offices and a court house.
3. To order the building of roads, bridges and ferries, upon the recommendation of the Supervisor; and to approve or reject contracts when public work is done by contract.
4. To order the payment of salaries or payment for public work.

Payments From the Provincial Treasury.—It is the duty of the Provincial Treasurer only to collect and keep the money of the province. He cannot pay it out without orders. The Provincial Board orders every payment, however small. When the Board orders something paid, the Governor writes an order called a warrant, directing the Treasurer to pay. The warrant is signed also by the Secretary. If the Treasurer thinks that it is not right to pay it, or that it is unlawful, he refers the matter to the decision of the Auditor of the islands.

All of this care is taken to avoid any loss or any wrong expenditure of the public money.

How Provincial Officials are Chosen.—The Provincial Governor is elected by the Councillors and Vice-Presidents of the towns of the province.

The Provincial Secretary, the Provincial Treas-

urer, the Provincial Supervisor and the Fiscal are appointed by the Commission.

Qualifications.—No man can be chosen to these offices who is not a citizen of the United States or a citizen of the Philippines.

The Secretary must know how to read and write the Spanish language, and after January 1, 1906, the English language also.

The Supervisor must be a civil engineer and surveyor.

Terms of Office.—The term of office of a governor is two years. The officials appointed by the Commission do not have a fixed term of office. They may be discharged at any time at the will of the Commission. The rule is, however, to keep them in the service during good behavior.

How the Governor is Elected.—On the first Monday in February of every even year, at 8 A. M., the Councillors and the Vice-Presidents of the towns meet in the capital of the province to elect a Governor. This meeting is called a *convention*, a word which means meeting. The Secretary of the province calls the convention to order. He acts as chairman to organize the convention. The first thing done is the selection of tellers to count the ballots cast by the convention in voting. These

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tellers are selected by secret voting, each member having one vote. After the selection of tellers, the convention votes by secret ballot to select a presiding officer, or chairman, of the convention, and also a secretary. The presiding officer has duties like those of the President in the meetings of a town council. He states the motions and announces the results of the votes.

When these officials are chosen, the convention is said to be organized. The convention is ready for the real business of the meeting, the election of a Governor. The law says that the election shall be by secret ballot and a majority of the members of the convention present are necessary to elect.

Procedure of a Convention.—In the United States are held many conventions like this provincial convention, but not for the election of Governors. Conventions are held by each political party separately to select its candidates for any office that is going to be filled by the vote of the people at a coming election. Thus, every four years the Republican party has a great convention in some large city, in which the delegates sent by the members of that party in all the states choose the Republican candidates for President and Vice-President of the United States. The Democratic party has its great

convention at about the same time to choose the Democratic candidates. So do the minor parties. Conventions are also held in all the state capitals to choose candidates for state offices, and in every town, city and county to select candidates for the local offices.

There is this difference between party conventions in the United States and the provincial conventions of the Philippines. The former are to choose candidates who must be voted upon in an election which follows; they do not elect officials, while in the provincial convention the Governor is elected.

The procedure may well be the same in both. The American procedure is very simple. If we apply it to the provincial convention, this is what would happen:

Nominations.—As soon as the convention is organized the presiding officer says something like this: "The convention being organized, we shall now proceed with the business of the meeting, which is the election of a provincial Governor. Nominations are now in order."

The party of each candidate for Governor will have arranged before the meeting for some speaker to nominate its man. Accordingly some gentleman

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arises immediately, addresses the chair, and being recognized, says, "Mr. President and Gentlemen of the Convention, I desire to place before the convention the name of Mr. A." This is called a nomination, or naming a candidate. Perhaps the speaker makes a short speech setting forth the good qualities of his candidate. Often, however, speeches are prohibited and a simple nomination only is allowed.

Voting.—As soon as the first speaker is seated, another arises and nominates another candidate. Time is always given to see if there are any more candidates to be presented. When all are presented, the presiding officer announces to the convention, "The following names have been presented for your consideration," reading the names of all the men who have been nominated, "and the convention will now proceed to vote." The members write their choice on ballots. The tellers collect and count the written ballots and the presiding officer announces the result. If no candidate has received the vote of a majority of the members present, another ballot must be taken and the convention must continue to ballot until some candidate receives a majority.

Quarterly Meetings of Town Presidents.—The Presidents of the towns hold a meeting in the capital of the province four times a year, on the third

Monday in January, April, July, and October to consider improvements needed in the province and in the provincial government, and to recommend to the Provincial Board to make these improvements. In these meetings the Presidents do not make laws; they give advice to the Provincial Board, which has the power to accept the advice or not as it decides. The purpose of these meetings is to keep the Provincial Board informed about the needs of the province and the desires of the people.

CHAPTER XVI.

MUNICIPAL AND PROVINCIAL REVENUES AND EXPENDITURES.

Outline of This Chapter.—In Chapter IX. were described the different kinds of taxes collected in the Philippines, and before studying this chapter it would be well to review Chapter IX. In this chapter we shall see what kinds of taxes are collected for the use of town governments, how they are levied, how the tax on real property is assessed and how all the taxes are collected. There are some taxes collected from the people in the towns of a province which go half to the town governments and half to the provincial government. There are others which go only to the provincial government and others which go only to the town governments.

Taxes for the Provincial Government Only.—There are only two kinds of taxes collected exclusively for the use of the provincial government. These are: 1. Fees charged for registering the titles to land. 2. A tax on real property.

1. A small fee is charged the owner of land for registering or making a record of his title, which

record makes his title more secure. The revenue from the registry of titles is very small.

2. The Provincial Code provides that a tax shall be collected upon all real property in a province at the rate of $\frac{1}{8}$ of 1 per cent. of its value and that the revenue received must be spent for building and repairing roads and bridges in the province in which it is collected.

The Provincial Board has the power to levy as much as $\frac{1}{4}$ of 1 per cent. more. Hence, if the Provincial Board collects all that it has power to collect, the real property tax of the province will be $\frac{3}{8}$ of 1 per cent. of the value of all real property in the province.

Taxes for the Town Government Only.—The different kinds of taxes collected exclusively for the town government may be considered in seven groups:

1. A tax on real property. The Municipal Code provides that a tax of at least $\frac{1}{4}$ of 1 per cent. must be collected upon all the real property of a town, and that the revenues from this tax must be spent to support free public primary schools or to rent or build school buildings, in the town in which it is collected. The town council has the power to levy a tax of $\frac{1}{4}$ of 1 per cent. more on

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the real property of the town to pay the expenses of the town government. Thus if the council levies as much as it can the rate of the tax on real property for the use of the town will be $\frac{1}{2}$ of 1 per cent. If we add this $\frac{1}{2}$ of 1 per cent. for the town to the $\frac{3}{8}$ of 1 per cent. which may be collected for the province, from the same property, we find that the owners of real property have to pay, at the most, only $\frac{7}{8}$ of 1 per cent. This is a very low rate compared with the rates in other countries of the world, and for this reason the provincial boards will usually levy the extra $\frac{1}{4}$ and the town councils should also levy the extra $\frac{1}{4}$ in order that there will be sufficient money to pay the expenses of good government. It is possible that this rate is too low and ought to be raised.

2. Fees for granting privileges of fisheries.

3. Fees for certificates of ownership of large cattle and for certificates of transfer of title when they are sold or traded.

4. Rents and profits from all property belonging to the municipality, tolls from ferries, municipal stables, markets, slaughter houses, public bath houses and cemeteries belonging to the municipality.

5. Rents for the privilege of establishing the

things named under No. 4, when the Council allows individuals to establish and conduct them.

6. Licenses for billiard-tables, theatrical performances, horse-races and circuses; for the selling at retail in quantities of not more than five gallons of any intoxicating, malt, vinous, mixed or fermented liquors; for the keeping of dogs; for cock-pits, cock-fighting or the keeping or training of fighting-cocks; for public carriages, carts or hearses kept for hire; and for cafés, restaurants, hotels, inns and lodging-houses.

7. Municipal fines. All fines collected in the President's Court or in the Justice Court go into the Municipal Treasury.

Note that the taxes numbered 2, 3, 4, 5, 6, and 7 may differ in every town because the rate of all these taxes is determined in each town by the town council. So, too, for the same reason the rate of the tax on real property may vary in each town, because the Council of each town decides whether or not the $\frac{1}{4}$ of 1 per cent. extra, or any part of it, is to be levied in that town. The student should go to the town hall and learn the rates of taxation in his own town.

Joint Provincial and Municipal Taxes.—In addition to the provincial taxes, named above, which are

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all for the province in which they are collected, and the municipal taxes, named above, which are all for the town in which they are collected, there are five other taxes which are half for the town and half for the province. These are:

1. The industrial tax.
2. The cedula tax.
3. The stamp tax.
4. The cart tax—a tax is collected on carts which have narrow tires, or carts which have revolving axles, instead of having the wheels turn on the axles. The object of this tax is to make people stop using such carts because they are bad for the roads; not really to produce revenue.
5. Forestry tax. In order to preserve the forests the central government has established a Forestry Bureau, which inspects all the forests and sells licenses to cut timber. The inspectors mark the grown and the old trees to be cut first and save the young and valuable trees. The money collected for these licenses is the forestry tax. The central government receives this tax, and after paying the expenses of the Bureau of Forestry divides the remainder equally between the town and the province in which the timber was cut.

With this one exception of the expenses of the

Forestry Bureau, every cent of money that is collected from the people in a province is spent by the governments of the towns and the provinces for local purposes; not a cent of it goes out of the provinces. In this way the people are able to know how much money is paid to their government and are able to judge whether or not they receive the good service, good schools and good roads for which they pay. If they do not receive these things it is either because they do not pay enough or because they have not chosen good officials to serve them.

The Taxes of the Central Government.—We have said that not a cent of the taxes above named is used by the central government except the small amount from the forestry tax to pay the expenses of the Forestry Bureau.

All the revenues of the central government come from import and export duties collected at the custom house. As explained in Chapter IX., the people who buy foreign goods to use, eat, or wear pay the import duties, by having to pay a little more for the foreign goods on account of the tax. This is the easiest tax that we have to pay, for we pay it almost without knowing it.

How the Taxes are Levied.—The industrial, cedula, stamp, cart and forestry taxes are levied by a

law of the central government. So, too, is the $\frac{1}{4}$ per cent. real property tax for town schools, and the $\frac{1}{8}$ per cent. real property tax for provincial roads. These are the same all over the islands.

The extra $\frac{1}{4}$ per cent. real property tax for the provincial government may be levied according to the decision of the Provincial Board, which knows best the needs of the province and the means of the people to pay.

The extra $\frac{1}{4}$ of 1 per cent. real property tax for the use of the towns and all of the other municipal taxes may be levied according to the decision of the town council, which knows best the needs of the town and the means of its inhabitants. This gives the town council a great deal of power. It gives the council also a heavy responsibility for the welfare of the town and the progress of the town depends upon the wisdom of the council.

How Municipal and Provincial Taxes are Collected.—The Provincial Treasurer is the chief collector of both provincial and municipal taxes.

The real property tax, cedula tax, industrial tax, cart tax, and licenses must be paid once each year. To collect these taxes the Provincial Treasurer or his deputy spends three weeks in each town, in the months of March, April and May, according to a

proclamation which he sends out in advance. At some time in these three weeks every taxpayer must come to the Treasurer's office, usually in the town hall, to pay his tax.

If a taxpayer does not come and pay his tax within the three weeks set he is charged 15 per cent. of the amount of his tax as a penalty, and the Treasurer may seize some of his personal property to sell at auction to collect the tax and the penalty.

If the owner of real property does not pay the real property tax and the Treasurer cannot find enough personal property to pay the tax, he may sell a part of the land sufficient to pay the tax and penalty, but the owner may receive the land back if he pays the tax and penalty within a year.

How the Real Property is Assessed for Taxation.

—To assess real property for taxation means to determine the value in order that the amount of tax to be paid by the owner may be determined; for the real property tax is a per cent. of the value of the property.

It is difficult to determine the exact value of lands and houses and improvements because values vary a great deal on account of location, fertility of the soil, and for other reasons. Real property is as-

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essed by local boards called Boards of Assessors. There is a Board of Assessors in each town.

The board has three members, the town President, the municipal Treasurer and a deputy of the provincial Treasurer. The municipal Secretary is secretary of the board. It is the duty of every owner of real property to make a declaration, or statement, in writing, of the amount of real property that he has, giving a description of it and its location.

The board holds meetings to make a list of all the real property in the town, using the declarations and putting in also any other property that has not been declared. The board may examine witnesses to determine the ownership and value of any real property in the town. When this list is made the board estimates the value in money of every piece of property. In doing this the board must try to be fair and fix proper values.

When this list of property and the assessed values is finished, copies of it are posted at the town hall and in the barrios, and the board will hold other meetings to hear complaints of owners and to change the estimated values if they think that the first assessment is unjust.

To understand how an assessment works, let

Let us suppose that A's property is assessed at \$800; B's at \$432.25; C's at \$1,843; D's at \$2,400, etc., etc. The sum of the values of all property on the list, let us suppose, is \$640,000; \$640,000 is the assessed value of all the real property of the town. If the rate in the town is $\frac{1}{2}$ of 1 per cent., the amount of money that the town will receive from the real property tax will be $.005 \times \$640,000 = \$3,200$. A's town tax would be $.005 \times \$800 = \4.00 . D's town tax would be $.005 \times \$2,400 = \12.00 . The sum of the amounts paid by all would be equal to \$3,200. If, however, A's property, which is really worth \$800, is estimated by the board at only \$400, his tax would be $.005 \times \$400 = \2 , just half the tax that he ought to pay. If the property of all other men in the town is estimated at its real value, they pay their full share while A pays only half of his share, which is unfair. It is clear, then, that the board must watch carefully to estimate all property at the same rate, to distribute the tax fairly.

Sometimes all of the property in a town is assessed at too low a value. Let us see what effect this has. If, in the example given above, every man's property is estimated at only half its value, the sum will only be half as much, or \$320,000. The amount of money that the town would receive

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would be $.005 \times \$320,000$, or \$1,600. . Thus the government would have only half the money that it ought to have and the schools, roads, police, and so forth would not be good because they would be poorly paid for.

It is clear, then, that to give the town a good revenue the property should be assessed at its full value.

Full value and fair assessment can usually be obtained if the board assesses all property at the real value at which such property usually sells in the town.

If it becomes the custom to assess property too low, the only thing that can be done is to increase the rate; \$320,000 worth of property at 1 per cent. brings the same revenue as \$640,000 at $\frac{1}{2}$ of 1 per cent.

Provincial taxes are collected on this same assessment.

Board of Tax Appeals.—If any taxpayer thinks that the Board of Assessors has not estimated the value of his property fairly, and complains to them, and is still not satisfied, he may appeal to the Provincial Board, which for this purpose is called a Board of Tax Appeals. The taxpayer must appeal

from the decision of the Board of Assessors within ten days. If the Board of Tax Appeals finds that an injustice has been done it may change the tax list of the town to make the correction.

CHAPTER XVII.

HISTORY OF THE ESTABLISHMENT OF THE NEW CIVIL GOVERNMENT.

War Between United States and Spain.—The sympathy of the people of the United States for the oppressed Cubans brought on a war between the United States and Spain. War was declared by the United States April 21, 1898. August 12 the fighting was over. December 10, 1898, Spain and the United States agreed to a treaty of peace, called the Treaty of Paris. By this treaty the United States became the protector of Cuba until the Cubans should form a government of their own. This they did and became free and independent.

The liberation which they had fought for during so many long years came to them at last from the hands of the United States. Thus the real purpose of the war was accomplished.

American Occupation of the Philippines.—Yet something more important to us happened in this war. In every war that has ever been fought more things have happened than people expected before the war began. History is full of surprises. Colum-

bus trying to find the western route to India found a new world. The United States, fighting to liberate Cuba, found herself in possession of the Philippine Islands. This came about in the following manner:

When it appeared to William McKinley, President of the United States, that war was about to begin between the United States and Spain he ordered Commodore George Dewey, in command of the Asiatic Squadron of the United States, to watch the Spanish fleet in the east and if war were declared to find and destroy it. On the first day of May, 1898, ten days after war was declared, Commodore Dewey entered Manila Bay and destroyed the Spanish fleet.

The United States desired to end the war as soon as possible, and to do this she desired to break the power of Spain on the land as well as upon the sea; accordingly troops were sent to capture Manila. The Spaniards surrendered Manila on August 13, 1898.

The next day after taking possession of Manila the American general in command issued a proclamation to the people of the Philippines assuring them that all their rights and liberties would be protected. Two days later word came that hostilities had ceased.

Cession of the Philippines to the United States.—

From the time of the occupation of Manila until the treaty was made, the people of the United States were anxiously reading and studying about these new people who had come under their protection, for, before Dewey's battle, the people of the United States knew very little about the Philippines and the Filipinos. The people of the United States were divided in their opinions about what to do with the Philippines. A large number of Americans wished that Dewey had sailed away after the Spanish fleet was destroyed and that the troops had not taken possession of the islands, for they thought that the Filipinos would be a heavy burden and would get the United States into many troubles. Nearly all Americans dislike the idea of possessing colonies. They believe that every people ought to govern themselves. For these reasons those Americans who wished that Dewey had sailed straight out of Manila Bay said that the Philippines are across the Pacific, far away; to care for them would waste the time and money of the United States and take the attention of the American people from their own affairs. They said that the United States had enough to do to govern herself and to develop her industries and commerce.

There was another large number of people in the United States who said that the Filipinos had never been allowed to govern themselves and that they were not able to govern themselves wisely. They said that the Filipinos had never had any other model of government than the Spanish model and that the Spanish government in the Philippines had been one of the worst in the world. They said that there were some Filipinos who wished to give the country a good government and who would do all that they could, but that there were other men who were very ambitious to get all the power into their own hands and become the rulers of the country. They feared that some one would seize all the power and that the people would be worse off than they were under Spanish rule. This is exactly what happened in many countries of South America. When those countries became free from Spain and tried to establish republics, some ambitious men seized all of the power and made themselves rulers or dictators. Then other ambitious men raised armies to displace those in power. Civil wars followed and those countries were in a wretched condition.

Fearing that such things might happen in the Philippines, this part of the people of the United States said: No, we cannot abandon the islands new

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and take away our protection from the Filipinos. It is our duty to remain and establish a good government, that will give peace and order, civil and religious liberty to all of the people, a government that shall treat all alike. And more, it is our duty to teach them what government by the people is and prepare them for the time when they can govern themselves and have a government by all the people.

These two parties, the party which said that the United States should abandon the Philippines at once, and the party which said that it was the duty of the United States to protect the Philippines and establish here a good and free government, were arguing all the time, but the latter won more people than the other. In the Treaty of Paris it was, therefore, provided that Spain should give up all the Philippines to the United States. At that time the United States had possession of only a small portion of them. In order to get the remainder peacefully without any more trouble, the United States paid Spain \$20,000,000. She could easily have taken the remainder by force, but she has always preferred peaceful means rather than war. It was in this way, and for these reasons, that the United States came into possession of the Philippines.

Insurrection Against the United States.—Now that it had been decided that the United States should remain in possession of the Philippines, the President of the United States sent instructions to the Military Governor, whom he had appointed temporarily to govern the islands, to establish civil government as soon as possible, to establish representative governments in the towns, and to appoint to the offices as far as possible the inhabitants of the islands, and to give “in every possible way the full measure of individual rights and liberty which is the heritage of a free people.” While, however, it was the intention of the United States to establish a good, free government, to a great extent in the hands of the people themselves, a great many Filipinos did not understand the motives of the United States.

A government had been partly organized by some Filipinos with Emilio Aguinaldo at its head, supposing that the United States would give them control as soon as they destroyed Spanish authority. But for the reasons stated above, the United States did not think best to do so. Besides, this government did not represent more than a small part of the people of the islands. Accordingly, this ambitious leader organized an insurrection against the

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authority of the United States, which broke out February 4, 1899. A war followed and delayed the plan for the establishment of governments, but did not stop the work entirely.

Establishment of Civil Government.—As long as it was necessary in order to carry on the war the islands were governed by a Military Governor, and in the parts in which insurrection existed, by military law, which means simply the orders of the general in command. Yet even at this time wherever the towns were pacified, municipal governments were established and the people were asked to elect their officials.

On June 3, 1900, a commission of five eminent Americans arrived in Manila with instructions to study the islands and the needs of the people in order to frame laws that would be suited for the government of the islands. These men were William H. Taft, Dean C. Worcester, Luke E. Wright, Henry C. Ide, and Bernard Moses. They gathered information from a large number of Filipinos, taking advice from every one, and hearing all sides.

On September 1 they began their legislative duties. The Military Governor still had the executive power, the Commission had the law-making power, but all laws were to be approved by the Secretary

of War of the United States of America. On January 31, 1901, Act No. 82, called the Municipal Code, was passed by the Commission. It is this law which established the form of town government which you have already studied in this book.

February 6, 1901, the Commission passed Act No. 83, a plan of provincial government. In passing these laws and all others, the Commission held open sessions and the people were requested to attend, to give advice and to discuss the proposed laws, and in this way the Commission was able to learn what would be suited to the country and satisfactory to the people. Later the Commission made a long tour from province to province, meeting representatives of the towns in the capital of each province to talk over the new plan of provincial government and to make such changes as were necessary to fit it to each province. In nearly all the provinces governments were established on this new plan in the year 1901.

Central Government.—The central government, which is to complete the plan of government for the islands, has not yet been fully established. We have seen how the government has grown. In fact, all good governments are gradual growths. This is one of the most important things to be learned

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about governments. They are living things that grow and change. We must be sure that our government is growing in the right direction, then we must wait patiently and give it time to grow. It is as difficult to take the government of one country and plant it in another as it is to transplant a grown tree. In many ways this is what has been done here. Free government by the people, which grew up in England, and was carried to America, and has been growing there better and better for three hundred years, has been planted in the Philippines. Time is necessary for the roots to get firm in the ground, and we must wait for the fruits; but there is no doubt that it will yield the same rich fruits here as in America.

One step in the formation of the central government was the appointment of the Commission as a law-making body.

The second step was the inauguration of William H. Taft as the first Civil Governor, on July 4, 1901. On September 1, 1901, the Commission was increased to eight members. The three new members were Dr. Pardo H. Tavera, Benito Legarda, and José Luzuriaga. To assist the Governor in the executive work four executive departments were created, the Department of the Interior, the Department of

Commerce and Police, the Department of Finance and Justice, and the Department of Public Instruction. One of the Commissioners was appointed to take charge of each department.

On October 29 the office of Vice-Governor was created and Luke E. Wright was appointed to fill it.

In the year 1901, also, the Judicial branch of the central government was established. The Supreme Court was organized. Cayetano Arellano was appointed Chief Justice. Florentino Torres, Joseph F. Cooper, James F. Smith, Charles A. Willard, Victorius Mapa and Fletcher Ladd were appointed Associate Judges.

The Courts of First Instance and the Justice Courts were set up at the same time.

Thus the three branches of the civil government were put in operation. Military rule ceased entirely on July 4, 1902, and the President of the United States proclaimed a pardon to all persons who had been in insurrection against her authority.

The Philippine Government Act.—But as is said above, the plan of government is not yet complete. The Congress of the United States of America passed a law on July 1, 1902, confirming the form of government which was already established and giving an outline of a plan to change the legislative

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branch of the central government, by creating an assembly of Filipinos to take part in making the laws. This law of Congress is called the Philippine Government Act.

Bill of Rights.—This act contains a “Bill of Rights,” that is, a statement of the great rights of civil and religious liberty, with the command that no law shall ever be made in the Philippine Islands which shall take away any of these rights from the people. The Bill of Rights is section 5 of the Act, and is in the appendix of this book.

The Census.—This Act provided that there should be a census taken which should collect information about the number of people, the name, age, sex, race and tribe of every person in the islands, ability to read and write, school attendance, ownership of homes, and the condition of farming and other industries. This census was taken in the year 1903. All of this information was collected in order to learn the exact condition of the people and the country.

The Philippine Assembly.—This Act also provides that two years after the census is completed, provided that peace continues in the islands, the Commission shall ask the people to elect dele-

gates, or representatives, to a popular assembly, which shall be called the Philippine Assembly.

The Legislature.—When this assembly is organized the law-making power will be vested in a Legislature, composed of two houses, the Philippine Commission and the Philippine Assembly.

Study of the Document Itself.—To learn more about this proposed Legislature, the readers of this book should study the Act itself. Section 7, which gives the provisions for the establishment of the Legislature, is printed here for that purpose.

In studying this section, students should find the answers to the questions which are asked below.

SEC. 7 OF THE PHILIPPINES GOVERNMENT ACT.

SEC. 7. That two years after the completion and publication of the census, in case such condition of general and complete peace with recognition of the authority of the United States shall have continued in the territory of said Islands not inhabited by Moros or other non-Christian tribes and such facts shall have been certified to the President by the Philippine Commission, the President upon being satisfied thereof shall direct said Commission to call, and the Commission shall call, a general election for the choice of delegates to a popular assembly of the people of said territory in the Philippine Islands, which shall be known as the Philippine Assembly. After said assembly shall have convened and organized, all the legislative power heretofore conferred on the Philippine Commission in all that part of said Islands not inhabited by Moros or other non-Christian

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tribes shall be vested in a legislature consisting of two houses—the Philippine Commission and the Philippine Assembly. Said assembly shall consist of not less than fifty nor more than one hundred members to be apportioned by said Commission among the provinces as nearly as practicable according to population: *Provided*, That no province shall have less than one member: *And Provided Further*, That provinces entitled by population to more than one member may be divided into such convenient districts as the said Commission may deem best.

Public notice of such division shall be given at least ninety days prior to such election, and the election shall be held under rules and regulations to be prescribed by law. The qualification of electors in such election shall be the same as is now provided by law in case of electors in municipal elections. The members of assembly shall hold office for two years from the first day of January next following their election, and their successors shall be chosen by the people every second year thereafter. No person shall be eligible to such election who is not a qualified elector of the election district in which he may be chosen, owing allegiance to the United States, and twenty-five years of age.

The legislature shall hold annual sessions, commencing on the first Monday of February in each year and continuing not exceeding ninety days thereafter (Sundays and holidays not included); *Provided*, That the first meeting of the legislature shall be held upon the call of the governor within ninety days after the first election: *And Provided Further*, That if at the termination of any session the appropriations necessary for the support of government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated; and until the legislature shall act in such behalf the treasurer may, with the advice of the

governor, make the payments necessary for the purposes aforesaid.

The legislature may be called in special session at any time by the civil governor for general legislation, or for action on such specific subjects as he may designate. No special session shall continue longer than thirty days, exclusive of Sundays.

The assembly shall be the judge of the elections, returns, and qualifications of its members. A majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent members. It shall choose its speaker and other officers, and the salaries of its members and officers shall be fixed by law. It may determine the rule of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member. It shall keep a journal of its proceedings, which shall be published, and the yeas and nays of the members on any question shall, on the demand of one-fifth of those present, be entered on the journal.

What part of the Central Government shall have the law-making power?

Ans. The Legislature has the power to make laws to govern all the people of the Islands, except in those parts which are inhabited by Moros or other non-Christian tribes.

What are the two branches of the Legislature?

Why is the Assembly called a "popular Assembly"?

When will it be organized?

How many members or delegates shall the Assembly have?

How shall the number of delegates be divided among the Provinces?

How shall the first election be held?

Who shall have the right to vote for delegates?

What shall be the term of office of a delegate?

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What shall be the qualifications of a delegate?

How often shall the Legislature meet?

At what time of the year?

How long shall the Legislature be in session?

How much money shall the Central Government have the right to spend if the Legislature closes any session without making a law to fix the amount?

When shall the Legislature hold a special session?

How long may a special session be?

If it be charged that any member of the Assembly has been wrongly elected, who shall decide?

How many will be a quorum of the Assembly?

What is the presiding officer of the Assembly called?

He will have duties like what officer in a meeting of the town council?

How will he be chosen?

What power has the Assembly to keep order in its meeting?

What is a journal?

What shall be written in it?

Why should the yeas and nays be written in it?

CHAPTER XVIII.

EXECUTIVE DEPARTMENTS OF THE CENTRAL GOVERNMENT.

Chief Executive.—The Civil Governor is the chief executive of the islands. It is his duty to see that all the laws made by the Commission are enforced. He cannot himself be in every place that a law operates to see that it is obeyed, for the laws operate everywhere. To help him he has a large number of assistants.

By his right to suspend from office provincial and municipal officials for wrongful conduct, he has a great power to protect the people in every part of the islands. He is also, through the Chief of Constabulary and his subordinates, the highest peace officer in the islands, for he is commander-in-chief of the Constabulary.

Whenever the Governor is absent or ill his place is taken by the Vice-Governor.

Executive Departments.—In order to divide the public work and to put it in charge of different men so that it can be more easily performed, four departments have been created. These are, the De-

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partment of the Interior, the Department of Finance and Justice, the Department of Commerce and Police, and the Department of Public Instruction.

The head of each department is called a Secretary. Each Secretary is also a member of the Philippine Commission.

All of these departments are also under the supervision of the Civil Governor, but each is directly under the charge of its Secretary.

Executive Bureaus.—Each department has under its direction a large amount of public work. In order to do this work in an orderly way each department is divided into bureaus. The head of each bureau is called the chief of the bureau. Sometimes a chief has another title, for example, the chief of the Bureau of Education is also called the General Superintendent of Education.

Each chief of a bureau has under him many clerks and assistants. The chief directs and the clerks do the work. Thus the work is divided out to an army of workers. It is a large army, but it is an army of peace and order.

THE DEPARTMENT OF THE INTERIOR.

Bureau of Public Health.—The head of this bureau is called the Commissioner of Public Health.

He is the President of the Philippines Board of Health, which is composed of nine members. It is the duty of the Board of Health to guard the public health and to take measures to prevent the spread of epidemics among people or among animals.

Bubonic plague and cholera, which may come at any time across the China Sea, small-pox, and the rinderpest among animals are the enemies which the Board of Health has always to fight.

The Central Board has supervision over the Provincial and Municipal Boards of Health.

The Central Board of Health publishes information to instruct the people in regard to health and sanitation. It inspects foods and drinks. It drafts laws about the practice of medicine, pharmacy, dentistry and laws to control offensive and dangerous industries. It does not make these laws; it simply recommends them to the Commission.

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The Forestry Bureau.—The work of the Forestry Bureau is to protect the supply of timber in the islands by preserving the young and growing trees of the valuable classes. The officials of the bureau select the trees that are ready to cut and sell licenses, charging rates fixed by law. The officials of the Forestry Bureau are the Chief Forester, Assistant Foresters, Rangers, and Botanists.

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Summary **Bureau of Public Lands.**—The public lands are the lands belonging to the government. The old theory was that all the land of a country belonged to the king and private owners could get land only by buying it from the king or receiving it from the king as a gift, or as a reward for meritorious service. Modern governments take charge of unoccupied land, mainly for the purpose of distributing it. By selling it in small farms at low prices they enable many men to become owners of land, get the land cultivated and thereby increase the wealth of the people.

Thus the Philippine Government Act created a plan for such distribution. It provides for what is known as a homestead law. It is the duty of the Bureau of Public Lands to first survey the public land in order to determine boundaries, to divide the public lands into homesteads and to make rules for selling homesteads at a small cost to persons who are willing to live on the land and cultivate it.

The survey will be difficult and will require some time. But when this plan for the sale of public lands is in operation it will afford opportunities to persons of small means, who have the energy and industry, to become well-to-do owners of farms.

aggr **Bureau of Agriculture.**—The purpose of the Bu-

reau of Agriculture is to promote agriculture in the islands, to study the methods of farming in other countries and to introduce better methods in this country.

The bureau tries and exhibits new farming machinery, and distributes to all parts of the islands seeds of food plants of new species or of better varieties than those already cultivated. The bureau also examines the soil to determine what will grow best on the different kinds of soil.

The bureau issues bulletins for the information of the people, which may be had free by writing to the bureau. Hundreds of thousands of hectares of land in the Philippines are now uncultivated and produce nothing. Much of this is public land, which may be purchased from the government. The Bureau of Agriculture hopes to increase the progress of agriculture until every hectare will be yielding good harvest. When that time comes the people will be very well-to-do and the Philippines will be a very rich country.

Weather Bureau.—The chief purpose of the weather bureau is to report the approach, direction and violence of storms for the protection of commerce. The central station of the weather bureau is in Manila at the Manila Observatory. In August

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1902, fifty-one stations had been established and twenty-one more had been planned. These stations are scattered all over the islands in every part and are connected by telegraph.

The weather bureau also announces the approach of rain and issues monthly bulletins about the weather for the help of farmers. Besides, the bureau makes many observations that are of great value to science.

DEPARTMENT OF COMMERCE AND POLICE

Constabulary.—The most important bureau of this department is that of the Constabulary. The Constabulary consists of about 6,000 men and officers. With the help of the municipal police the Constabulary is charged with the duty of keeping peace and order in all parts of the islands.

The Chief of Constabulary is the head of the force, and is subordinate only to the Civil Governor. Under the chief are the inspectors, who have command of the Constabulary in the provinces.

The Governor of a province may call the Constabulary to stop a riot or to put down disorder.

The Constabulary is organized like an army of soldiers. They are not soldiers, however; they are policemen.

The men and officers of the Constabulary are appointed and paid by the central government.

Bureau of Posts.—The Bureau of Posts has charge of carrying the mail. In June, 1902, there were 160 postoffices in the islands, and more are being established. A letter can be sent from any part of the islands to any other part for one cent. Quick mails from one place to another are very important aids to business and commerce. They are also a great convenience to friends. One of the most important uses of the mails is the distribution of newspapers and magazines. Good newspapers and good magazines increase the knowledge of the people, and their wide circulation is an indication of the intelligence of a people.

The postoffices also transmit money from one place to another. If you wish to send money to a person in another town, you can go to the postoffice of your town and by depositing the sum that you wish to send, and paying a small fee, you will receive an order, called a Postal Money Order, directing the postmaster of the other town to pay the amount named to the person you designate. This order you mail to the person and thus save the inconvenience of actually sending the money.

Where there are banks money can be sent in a

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similar way by buying a draft from a bank in your town payable by a bank in another town to the person named in the draft. Thus, the postoffices do somewhat the same work as a bank. They also serve as banks in another way. That is, they receive money on deposit and guarantee its safe keeping. The postoffices may, in this way, be used by the people as savings banks.

Bureau of Telegraphs.—In many of the larger towns there are telegraph stations. Any one wishing to send a telegram to any other station may do so for a small fee. The telegraph is in charge of the Constabulary. It is a public telegraph, operated by the government and intended for the use of the government and of private persons.

In America telegraph lines are owned by private companies and the cost of sending telegrams is higher than it is here.

Some Other Bureaus of the Department of Commerce and Police are the Bureau of Coast Guard and Transportation, the Bureau of Engineering and Construction, the Bureau of Prisons and the Bureau of Lighthouses.

DEPARTMENT OF FINANCE AND JUSTICE.

Bureau of the Insular Treasury.—The Insular

Treasurer receives all the insular revenue and pays all the bills of the insular government.

Nearly all the money which passes through his hands comes from the Custom House. He also directs the Provincial Treasurers, who report to him all of their collections.

Bureau of Insular Auditor.—The Insular Auditor is the inspector of all the accounts of the provincial and central governments. No money can be paid out before the account is examined by one of his assistants and found to be correct and in accordance with the law. This is a very important bureau, for it guards against wrongful expenditure of the public money.

Bureau of Customs and Immigration.—The working of the Custom House has been described in the sections about export and import duties.

There is a custom house in every port of entry. All goods going from or coming into the country must be inspected at a custom house and if the goods are dutiable the duty must be paid before they are allowed to pass.

Another function of the customs service is to guard against the admission of persons who are prohibited from immigrating to this country, as are certain classes of the Chinese.

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DEPARTMENT OF PUBLIC INSTRUCTION.

Bureau of Education.—The Bureau of Education has charge of the public schools of the islands. These have already been spoken of.

The head of the bureau is called the General Superintendent of Education. He has a first assistant called the Assistant General Superintendent. Below him in rank and under his charge are the Division Superintendents, through whom he directs and controls all the American and native teachers.

This bureau buys almost all the school supplies and distributes them.

It is one of the most expensive bureaus. Its great purpose is to establish a modern system of education as good as any other country has, and to bring education to the great masses of the people.

Other Important Bureaus of this department are the Bureau of Statistics, the Bureau of Public Printing, and the Bureau of Architecture and Construction of Public Buildings.

*Bureau of Agriculture
since Dec. 26, 1910. (Set 1912
that year)*



CHAPTER XIX.

COURTS.

Introductory.—One of the most difficult branches of government to understand in almost any country is the judicial branch. Because, in nearly all countries the courts have been growing for centuries, with strange old names, and old duties and customs. When new courts have been established to meet modern conditions, the old courts have remained. It is sometimes hard even for a lawyer to know what court to go to. Besides, many years ago courts had such long drawn out ways of doing things. Everything had to follow old forms. In England, and in many parts of Europe, all laws were once in Latin, and afterwards French was the language used in England, on account of the conquest of England by the Normans, or French. Many difficult words thus came into use in law and in the courts.

Courts always cling to old customs. In England what is custom is often decided to be the law. So, in the Philippines in very early times, before the Spanish came, whenever any dispute arose, it was

referred to the old men, who would ask, "What is the custom?" and that decided the matter.

Even when custom is not law, the courts seem to love the old customs, the old forms, and the old words, and this is the reason that courts are usually hard to understand. This difficulty is also found in the United States, which, being a new country, you might think free from antiquated forms. Many of the states, however, still follow the old law of England, called the Common Law, very closely, and have many courts patterned after those of England. Some of the newer states of the middle and west of the United States have been more independent. They have tried in every way to omit every useless thing in law and in courts, and have tried to make law and its practice in the courts as simple and plain as possible. This they have been able to do at the same time that they have made liberty as secure and justice as sure as they are in any country.

In the reorganization of the courts of the Philippines in 1901, the Philippines received the benefit of the experience of American states. The courts have been made as simple as possible. Justice is brought to the home of every man by local Justice Courts. Traveling Judges of great learning in the law come to or reside in every province to try the more im-

portant cases; and in the three largest cities the august tribunal of the Supreme Court, composed of seven Judges, sits at different periods of the year. So simple and clear is the arrangement of the courts that we shall have little difficulty in understanding it.

Laws.—We cannot expect to understand the law so easily. That is the business of a lawyer. If you wish to be a good lawyer, you must expect to spend several years in study at a school of law. Some of the more common terms, only, will be explained in this book.

Custom no longer governs here. All rights and wrongs, both civil and criminal, are written out in the laws. The remedies for civil wrongs are stated and the punishments for crimes definitely fixed.

These laws are grouped into collections, or *codes*, so that we have the Penal, or Criminal Code, the Civil Code, and the Code of Civil Procedure, that is, how causes shall be brought to a court and how the trial shall be conducted.

Kinds of Courts.—The Justice Courts, in every town, the Courts of First Instance, in every province, and the Supreme Court are the principal courts. By them almost every cause arising in the Islands is tried and settled. There are also some special

courts, such as the Police Courts in Manila, which try offenses against the city ordinances of Manila; the Court of Land Claims; and the President's Courts in every town, which we have already described. The last try violations of municipal ordinances only.

Jurisdiction.—A criminal action may be brought to punish a criminal for cutting a tree on public land without license, or for some grave crime, such as murder. A civil action may be to collect a \$5 debt, or to get back lands worth thousands of dollars. Thus actions or causes are very different in gravity, in importance or in the amount of property involved. Causes are distributed to the different courts on this basis, the minor causes to the Justice Courts the more serious ones to the Courts of First Instance.

Now, the word jurisdiction is used when we wish to speak of the power of a court to try causes. Can this court try this action? Does the law provide that such an action as this shall be tried by this court? These questions mean the same as the question, Is this action in the jurisdiction of this court? The laws fix the limits of the jurisdiction of each court, that is, they say what causes shall be tried in each court.

There are four adjectives sometimes used with the word jurisdiction, original, appellate, concurrent and exclusive.

There are causes which may be tried by the Justice of the Peace, for example, and if either side is not satisfied with the decision of the Justice the cause may be taken to the Court of First Instance to be tried again. This is called appealing to a higher court. Appellate jurisdiction, then, means the power to try a case again, or partly try it again, when it is appealed from a lower court. Original jurisdiction means the power to try for the first time. An action must begin in a court which has original jurisdiction. Sometimes an action may by law begin in either of two courts, then we say that the two courts have concurrent jurisdiction. When an action can be begun in one court only, we say that that court has exclusive jurisdiction.

If you understand all these difficult words you can understand the different powers of the Justice Courts, the Court of First Instance, and the Supreme Court as they are stated in the following paragraphs.

The Justice Court and Its Jurisdiction.—In a Justice Court the Judge is called a Justice of the Peace. There is a Justice of the Peace in every town, and

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an auxiliary who acts during the absence or illness of the Justice.

Simply stated, the Justice of the Peace can try only petty criminal causes, as small theft, assault on a person, trespass upon lands and small civil causes, in which the value of the property in dispute, or the amount of damages claimed is no more than \$300. Strictly speaking, the jurisdiction of the Justice in criminal causes includes all offenses for which the law fixes a penalty of imprisonment for no more than six months or of a fine of no more than \$100.

Any cause may be appealed from a Justice Court to the Court of First Instance, if either party desires to do so. An appeal must be made within two hours and in the right form according to the rules of the court.

Preliminary Hearing of All Crimes.—One of the chief duties of the Justice of the Peace is to give preliminary hearing to all persons accused of crimes, small or great. Any one may go to the Justice and complain under oath that a certain person has committed a certain crime, or if the Justice believes with reasonable certainty that a crime has been committed in the town by any person, it is his duty to order the accused person arrested and

brought before him, and to examine him and witnesses to decide whether it is or is not probable that the accused has committed the crime charged. If he finds that guilt is not probable he sets the accused free. If he finds that guilt is probable, he holds him for trial, or lets him go on bail. If the offense charged is one in his jurisdiction, he will also hold the trial to decide the guilt or innocence of the accused, and if he finds him guilty, he will sentence him. If the offense charged is not one in his jurisdiction the trial will be held in the Court of First Instance, when it holds a session in the province. Thus while the Justice has jurisdiction to try only small offenses, he has jurisdiction to make preliminary examination of any crime whatever. The Court of First Instance may also give this preliminary hearing, but the Court of First Instance is not in session all of the time, and its sessions are held in the capital of the province. The Justice is always in the town. His court is always open. No man need be held a prisoner more than a few hours before he is brought in for his preliminary examination. So great a right is this considered that the law provides that if both the Justice and his auxiliary should be sick, absent, or unable to hold court, the

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President of the town may give preliminary hearing to any accused person.

Other Officials of the Justice Court.—Every court has an official called the "Officer of the Court." It is his duty to see that the sentence of the court is carried out. If the accused is found innocent, the officer sets him free; if guilty, the officer sees that he pays the fine or takes him to jail according to the sentence. If it is a civil action, and the sentence is that A shall pay B \$100 damages, the officer receives the money from A and pays it to B. If A does not give the money, the officer may, on the order of the Judge, sell some of A's property to get the amount for B. The officer of the Justice Court is a deputy of the Provincial Governor. For some minor acts, as ordering witnesses to come to the court, the Justice may appoint any man, or use a policeman.

The Justice receives no salary. He receives a fee of \$3 for every cause that he tries, civil or criminal. The person who wins in a civil action pays the fee to the Justice, but it is charged against the loser, and if the latter has any property he really has to pay it. In a criminal action, the municipality pays the fee; if the accused party is found innocent he goes free, of course, without paying anything, and

the money comes out of the pockets of the people as taxes; but if the accused is found guilty he has to pay the fee, the costs, and the fine, also, if he is fined.

Courts of First Instance.—There is a Court of First Instance in every province, which is in session, as we have learned, at certain times of the year. The officials of the court are the Judge, the Officer of the Court, the Clerk, and the Fiscal.

The Officer of the Court is the Governor of the province or his deputy. The Clerk of the Court keeps all the records of the court. We have already described the duties of the Fiscal. There is a Clerk for the court of each province, and the Governor and Fiscal serve only in the court of their province. The Judge serves in more than one province; some Judges have as many as four courts in as many provinces, traveling from one province to another and holding sessions in each at different times of the year. When the Judge enters a province he is received and entertained by the Governor and all honor is shown him.

Jurisdiction of the Court of First Instance.—Simply stated, the Court of First Instance tries all causes which may not be tried in the Justice Courts, in the President's Courts or in the Police Courts,

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and all causes which having been tried in these lower courts have been appealed from them.

More exactly stated, the original jurisdiction of the Court of First Instance includes:

1. Civil actions about the title to real property.
2. Actions about the legality of any tax.
3. All civil actions in which the amount involved is more than \$100. In actions involving amounts between \$100 and \$300 the Court of First Instance and the Justice Court have concurrent jurisdiction.
4. All maritime or admiralty causes, great or small.
5. All probate causes, that is, causes relating to wills, estates, divorce, etc.
6. All criminal causes in which the penalty may be more than eight months' imprisonment, or a fine of more than \$100.

The appellate jurisdiction of the Court of First Instance extends to all causes coming from the lower courts on appeal.

Trials.—It is in the Court of First Instance that the most careful and most formal trial is held. All evidence is taken down in writing and preserved. A complete record is made of everything that is done.

The trial described in the next chapter is such a one as is held in the Court of First Instance.

The Supreme Court.—The Supreme Court, as its name indicates, is the highest court of the islands. It is composed of a Chief Justice and six Associate Judges. These six Judges are chosen for their great learning in the law, impartiality and honesty.

We have called the Supreme Court an august tribunal, for, indeed, it is the solemn and dignified body that makes final judgment upon almost all causes that are brought before it. It gives the final interpretation or meaning to the laws. The Civil Governor cannot change its decisions. The decisions are final. The law-makers of the Central Government may change the laws but they cannot change the decisions of the Supreme Court. The judiciary is independent of the executive and the law-making branches of the government.

How the Supreme Court Tries Causes.—The seven Judges of the Supreme Court do not sit separately, each hearing a different cause, as do the Judges in the Court of First Instance. Instead, they all sit together and hear the same cause, one cause at a time. The seven Judges sit in a stately row behind a long bench. The Chief Justice sits in the middle and is the President of the Court. The causes that

the Court tries are nearly all causes that have been tried before in a Court of First Instance. In the lower Court the witnesses were heard and the testimony was taken down in writing. This testimony is brought into the Supreme Court and hence it is not necessary to call and examine witnesses, though this may be done if the Judges desire it. Also, the arguments of the lawyers are usually presented in writing. These written arguments are called *briefs*. The Supreme Court seldom decides about the *facts* of a cause. Causes are appealed to the Supreme Court because one side thinks that the Judge of the Court of First Instance did not apply the law correctly in some part of the proceedings of the trial, or in his decision.

The seven Judges read the records of the trial, the testimony and the briefs, and if they decide that the trial was correctly conducted, that the Judge applied the law rightly and his decision was in accordance with the law, they affirm the decision; if not, they may either reverse the decision of the Court of First Instance or order the cause to be tried again.

Decisions of the Supreme Court.—Five Judges of the Supreme Court are a quorum. Four Judges, or a majority of the Court, must agree, to make any

decision. The Court's decision in every cause is written. The decisions are printed in volumes called "*Reports*," which the Judges of the lower Courts and the lawyers read with care, for the decisions of the Supreme Court determine the meaning of the laws and how they shall be applied.

How the Courts Interpret the Laws.—We have said that the judicial branch of the government, or the judiciary, interprets the laws. Do not understand by that, that whenever a law is made the Judges write long essays to explain what the law means; when a law is made, the Judges pay no more attention to it than any good citizen should.

Suppose a municipality makes a law to collect an illegal tax, that is, a tax which the Municipal Code does not give the Council the right to levy. The Judges say nothing. Most people probably are willing to pay the tax; they may think it is wrong but do not want any trouble. Some man who is really sure that the tax is unlawful says "I'll not pay it." The tax collector tries to collect it. The citizen refuses to pay. Then the tax collector begins an action in a Court of First Instance, in this case, to sell some of the citizen's property to pay the tax. The citizen's lawyer says that the tax is illegal and that the law is void. And this

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is how the Court comes to consider the law. Now, whatever decision the Judge of the Court of First Instance makes is not final. Both sides may be satisfied in this particular action and not appeal. But, if they want a really final decision, they can appeal to the Supreme Court. So it is that the Supreme Court makes the final interpretation of the laws. A Court considers a law only when some man says that he has been injured and brings a cause into Court which involves the law.

Sometimes laws are wrongly applied, or an illegal law is made and nothing is done for a long time, until at last some man complains. There is always this part to be done by the people.

This example is a very clear one to explain the principle, but it does not show the most common way in which the Courts interpret the laws. Courts are always doing this; whenever a judge makes a decision it is the same as saying: This is what the law says and this is the way it is to be applied in conditions and facts like these. Every decision of a Court is an interpretation of the law.

Where the Supreme Court Sits.—The Sessions of the Supreme Court are held in Manila, in Cebu and in Iloilo, at different times of the year. All

seven Judges travel to these places and hold Court in the same way at one place as at another.

Officials of the Supreme Court.—The Chief Justice is the President of the Court. When any vote is taken he has duties like the town President in a council meeting. He has a vote also. Besides the Chief Justice and the six Associate Judges, there are other officials of the Supreme Court: the Clerk, the Officer of the Court, the Solicitor General and the Reporter, with their assistants.

The Officer of the Court when it sits in Manila is the Sheriff. When at Iloilo and Cebu, the Officer of the Court is the Governor of the province in which the session is held.

The Solicitor General is the government's attorney, like the Fiscal in the Court of First Instance. In all criminal actions, or civil actions in which the government is a party, he is the lawyer on the government side and prepares the briefs, or arguments to present to the Supreme Court.

The Reporter of the Supreme Court collects the decisions, indexes them and has them published in volumes.

The Attorney General is another law official who gives advice to the Governor, the Secretaries and other officials about questions of law. His opin-

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ions have no legal force like the decisions of the Supreme Court; they are simply advice.

How Judicial Officers are Chosen.—The Chief Justice and the Associate Judges of the Supreme Court are appointed by the President of the United States with the consent of the United States Senate.

All of the other officials of the Supreme Court, the Judges of the Court of First Instance, the Clerks, the Fiscals and the Justices of the Peace are appointed by the Civil Governor with the consent of the Commission.

Terms of Office.—Judicial officers have no fixed terms of office. They serve during the pleasure of the Commission, and the custom is that they continue in office as long as they perform their duties well.

CHAPTER XX.

HOW A CRIMINAL IS ARRESTED, TRIED AND PUNISHED.

At first thought it would seem a very simple matter to punish a criminal. Indeed the punishment of a criminal is easy enough; the government has more than enough power for that. The difficult thing is to make sure that the person accused really is a criminal, that he is actually guilty. As important as it is to punish criminals for the great harm they do, the government is very careful to be sure. When there is doubt, the government will not punish. Why? Because one of the chief purposes of government is to secure to every man his life, liberty and property. If the government were quick to punish and should punish an innocent man, this purpose would be defeated. Good government must be just. Hence, in trying an accused man every advantage is given him to free himself.

He is considered innocent until he is proven guilty. He does not have to prove his innocence. The officials must prove him guilty beyond a reasonable doubt. Consequently, there are two sides to the things to be studied in this chapter: (1)

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How the criminal is caught, tried and punished.

(2) The many things that are done to avoid punishing an innocent man.

Arrest.—When a crime has been committed the first question always is: Who has done this? The welfare of our town, our province and our country demands that the guilty one shall be arrested. Arrests may be accomplished in different ways: (1) If any one catches a criminal in the act, he may arrest him at once and take him before a magistrate or call a policeman or some other peace officer. (2) It is not necessary to actually see the crime committed. If any policeman, constable or other peace officer is reasonably certain who is guilty he must arrest the suspected person. He may do so without a warrant. (3) A warrant is an order written by a Justice of the Peace, or by a Judge directing a peace officer to arrest the person named in it. Any one who knows of a crime and is reasonably certain who is guilty may go before a magistrate and make a statement of the facts on oath and the magistrate will issue a warrant to arrest the accused. (4) While every good citizen should give such information whenever he can, it is the duty of the Fiscal. Whenever he knows of

a crime and is reasonably certain who is the guilty person he must go to a magistrate and get a warrant sent out for his arrest.

Extradition.—When a man has committed a crime he may think to escape by fleeing to another country. But nearly all countries have a way of helping each other catch criminals by a process called *extradition*. The government of the country where the crime is committed requests the government of the country to which the criminal has fled to arrest him, The latter orders him arrested and sent back. This order is called a writ of extradition.

Examination.—As soon as possible after his arrest, the accused man must be brought before a magistrate for examination. This is not the trial to decide whether he is innocent or guilty. The trial comes later. This examination is held by the magistrate to see if there are good reasons for holding the man for trial.

The magistrate orders the clerk to read the accusation to the accused. The accusation must be clear, telling exactly what crime is charged against him, where, when and how it is said to have been committed. A few witnesses are called and tell what they know about the crime.

This examination is held for two reasons: (1)

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To let the accused know exactly what is charged against him not only by the reading of the accusation but out of the mouths of witnesses also. (2) To enable the magistrate to answer this question: Is it probable that this person has committed this crime? If the magistrate decides that guilt is probable, the accused is held for trial.

If the accused desires to do so, he may testify to show his innocence. A clear story often frees an accused man. If the accused does not want to testify he cannot be compelled to do so.

This right of every accused man to be brought before a magistrate for examination *as soon as possible* after his arrest is one of our great civil liberties. *As soon as possible* usually means within twenty-four hours. Formerly men could be arrested and held in jail for weeks and months without being brought before a magistrate. Rulers used this power unjustly and people were imprisoned without trial. Our law does not permit this.

Habeas Corpus.—If a man is held in jail longer than is proper or if he thinks that he is not legally held, he may ask a court to investigate and see if he is legally held or not. This is called suing out a writ of *habeas corpus*. This is considered one of the great safeguards to personal liberty. It came

into use when Latin was used in English courts and still has its Latin name. The Judge who is appealed to sends an order to the person who "has the body" of the man to bring him into court and show a good cause for holding him. If he is not legally held he must be set free.

Right to Speedy Trial.—The trial of the accused may not come for a month or more. If it is for an offense which may be tried before a Justice of the Peace, the delay need not be long. If it is for an offense which can be tried only by the Court of First Instance, the accused must be held until the Court is in session, when the trial will come in its proper order. The right to trial as soon as possible is dear to every liberty-loving people, second to the right of examination as soon as possible.

Bail.—Holding the accused for trial sometimes means keeping him in jail. Usually it means giving him his liberty on *bail*. Bail is surety for the appearance of the accused before the court on the day of trial. It is a sum of money, the amount of which is fixed by the magistrate, deposited with the magistrate, or promised in writing by men of property. If the accused does not come into court on the day set, the money is forfeited to the government.

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The accused cannot have bail if accused of murder or treason, but for all other crimes he may.

Trial.—Let us suppose that a man has been arrested, charged with committing a crime. He has been examined by the Justice of the Peace; after the examination the Justice has decided that it is probable that he has committed the offense charged. The Justice fixed the amount of his bail at \$300. Two or three of his friends signed a paper promising to pay this amount if the accused should not come into court on the right day. The accused then went freely about his business. He hired a lawyer and they prepared for the trial. If he could not give bail he was taken to jail. We shall suppose that his trial is to be in a Court of First Instance. As soon as the court is in session in the province where the crime was committed, he comes into court; if he has been in jail, he is brought into court by the Governor or his deputy. The Judge sits behind a bench, which we often call the bar of justice. At a table is the Clerk of the Court, who keeps the records and court papers.

The accused comes before the Judge to plead again. The Clerk reads the charge or accusation to him, and the Judge asks him to plead "guilty" or "not guilty."

If he replies "guilty" there is nothing more to do than to sentence him according to the law; usually to fine or imprison him. If he replies "not guilty" the Judge announces the day upon which the trial will be held.

The Day of the Trial Arrives.—The accused comes into court with his lawyer or lawyers and his witnesses, ready to defend himself and to clear himself if he can from the accusation. The Fiscal comes with witnesses to prove him guilty. The Fiscal is the lawyer against the accused, because, as we have learned, all crimes are considered as committed against society and it is the duty of the government, or the officials, to punish criminals.

If this were a civil action, for example, in which A was trying to make B pay him a debt, both A and B would have to hire their lawyers, and one or the other would have to pay all the costs of the trial. In such a case A would be called the plaintiff, the one who complains, and B the defendant.

But this is a criminal action. The accused man is the defendant; the government is the plaintiff.

The Plaintiff's or the Government's Side.—The trial begins with a speech by the Fiscal. He states clearly an outline of the circumstances of the crime as he supposes it to have happened, telling

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what he is going to prove by his witnesses. Then his principal witness is called. He takes the witness stand; that is, he comes forward to a chair in front of the Court. He stands, holds up his right hand and takes the oath. The Clerk delivers the oath: "You solemnly swear to tell the truth, the whole truth and nothing but the truth." If, after taking this oath, the witness tells a lie, he is guilty of the crime called perjury and may be fined or imprisoned for it.

The Fiscal asks questions and the witness answers. Question follows question, for it is the answers to questions that furnish all the testimony. When the Fiscal has got from the witness all the information that he wants from him, the defendant's lawyer may ask him questions. This is called the cross-examination, and is to test the truth or consistency of the witness' testimony, or to bring out new facts on his side.

Defendant's Side.—When the witnesses for the government have all given testimony, a witness for the defense is called. The defendant's lawyer questions him first. Then the Fiscal may cross-examine him. This process continues until all the witnesses have testified.

If the accused wishes to testify he may do so.

If he takes the stand, he may be cross-examined by the Fiscal like the other witnesses. If he does not wish to testify he may refuse and his refusal will not be considered against him by the Judge. The Judge, in all the trial, keeps clearly in mind that the accused must be considered innocent until he is proved guilty.

Argument.—After all the witnesses have been heard the Fiscal makes a speech, giving a summary of all the testimony which tends to prove the accused guilty. This is followed by a speech from the defendant's lawyer, who argues that the testimony has not been sufficient to show that the accused is guilty. Sometimes, when the defendant sees that the evidence is clearly against him, his lawyer tries merely to show that the crime was not so serious as is charged, in order to influence the Judge to give a light sentence.

Decision and Sentence.—The trial ends with the decision and the sentence. When he has heard all the evidence and the arguments, the Judge decides the accused guilty or innocent. If he decides him innocent, he sets him free at once. If he decides the accused guilty, he will sentence him according to the law. That is, he will declare what the penalty for the crime is and order that the criminal

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which we may now call him, shall suffer the penalty. There are usually circumstances in the committing of a crime that make it grave or light, and the law usually fixes a range of penalties for each crime in order that the Judge may fit the punishment according to his discretion.

Punishment.—It is the duty of the Governor or his deputy, or, in the City of Manila, of the Sheriff, to see that the condemned criminal is put in prison, pays the fine, or is put to death, according to the sentence of the Judge. This is called executing the sentence.

Small Offenses.—The long, careful process of trial which has just been described is followed in trying crimes. There are many small offenses, violations of city ordinances, such as drunkenness on the streets, driving a carromata at night without a light, or the like, which are punished much more summarily. The police arrest the offenders and bring them into the President's Court, usually the same day or the next. A brief hearing is given and the sentence is declared.

In Manila such courts are called Police Courts and the Judges, Police Judges. In such cases the penalties are usually a few dollars' fine, or a few days in jail.

CHAPTER XXI.

SOME PRINCIPLES OF POPULAR GOVERNMENT.

Majority Rule.—Government by the people is possible only when all of the people are willing to submit to the rule of the majority. Either the people themselves or their representatives decide all questions. All decisions are made by voting. If there are two or more sides to a question the side receiving the largest number of votes wins. In popular government we must have faith in the intelligence of the common people. What the majority of the people want must be accepted. If the minority refuses to accept the decision of the majority there will be revolution and an end to the government. If the false principle that the minority may rebel from the rule of the majority were once admitted, there would be no end to rebellion; there would be anarchy.

All reforms of government come by gradual changes, by evolution and not by revolution. If the minority defeated at an election still believes that its cause is just it must patiently submit and wait. Truth will win in the end. The people

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may be trusted to see the truth if time is given them. In course of time the minority will gain more votes and become the majority and its policy will then rule. The orderly contests at the ballot-box are just as decisive as are the battles of bloody revolution, but the former are without the misery and ruin that the latter bring upon a country.

The rule of the majority means that those who disagree with the prevailing policy of the government must present their case, bring out their arguments, expose the wrongfulness of the prevailing policy and wait until enough voters come over to their side to overthrow that policy at the ballot-box.

Rights of the Minority.—When a party comes into power with a large majority it is natural for it to feel little or no restraint. The opposition, or the minority, seems too weak to be feared. Yet the leaders of the majority should be ready to give a fair hearing to the arguments of the minority. Ours is a government of all the people and if the majority is overbearing and ruthless it is sure to be punished by losing the confidence of the people.

The Conservative and the Radical.—In every society we find two extreme classes of men, the conservative and the radical. The extreme conserva-

tive is the man who says that our present customs and present forms of government are good and ought to be preserved just as they are. He loves the good old times, the good old customs and the good old laws. The extreme radical, on the other hand, is the man who is always ready for change. Every new idea that is suggested seems to him better than the old. He wants to change at once, to overturn the old and set up the new. Conservatism is the force that preserves society. Radicalism is the force that brings progress. If all men were extreme conservatives society would never change and would never grow better. If all men were extreme radicals changes would come so often that the people would hardly learn to obey the present laws by the time that they were replaced by new ones. Society would be upset and demoralized by the frequent changes. Fortunately in the large majority of the people there is a mixture of conservatism and radicalism. They see the good of the old and yet have their eyes open to the need for progress. They are ready to accept reform when it has been proved that a proposed reform is wise, but they ask that the proof shall be clear and conclusive.

Classes.—One of the greatest difficulties in the

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way of the spread of wise self-government is the existence of classes among the people. In almost every town there have been two classes of people in the past. One may be called the land-owning class, the wealthy class, the educated class or the ruling class. Any one of these four names describes it. The people of this class are wealthy because they have been the land-owners; they are educated because they have had the wealth to educate their sons in private schools from generation to generation; and they have been the ruling class, firstly on account of their education and secondly because the Spanish government encouraged this class by instituting a form of government in which it was given all the power. The other class may be described as the poor, uneducated class, without political power.

The existence and continuance of these classes is contrary to the spirit of popular government. We have already seen that no government undertakes to make its citizens equal, yet we have seen also that popular government must aim at equality as an ideal. The establishment of public schools and the sale of public lands in small farms will tend to alter these conditions.

The purpose is not to drag down the higher class

to the level of the lower, but to elevate the lower class to the plane of the higher.

Some individuals of the higher class may oppose such a reform for the reason that they desire to retain their old power and influence; such opposition will be useless, for the march of progress has invariably overcome opposing individuals. On the whole, however, this reform will meet the approval of the intelligent people. It is one of those reforms which can be advanced very much by the higher class. They will, as a whole, welcome it, for their loss of the political monopoly will be repaid them by the greater enlightenment and prosperity of their country, combined with the greater satisfaction of being the chosen officials of an intelligent people rather than the self-imposed rulers of an ignorant one.



APPENDIX.

BILL OF RIGHTS.

SEC. 5. That no law shall be enacted in said islands which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

That in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf.

That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

That all persons shall before conviction be bailable by sufficient sureties, except for capital offenses.

That no law impairing the obligation of contracts shall be enacted.

That no person shall be imprisoned for debt.

That the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the governor, with the approval of the Philippine Commission, wherever during such period the necessity for such suspension shall exist.

That no *ex post facto* law or bill of attainder shall be enacted.

That no law granting a title of nobility shall be enacted, and no person holding any office of profit or trust in said islands, shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State.

That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

That the right to be secure against unreasonable searches and seizures shall not be violated.

That neither slavery, nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in said islands.

That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed.

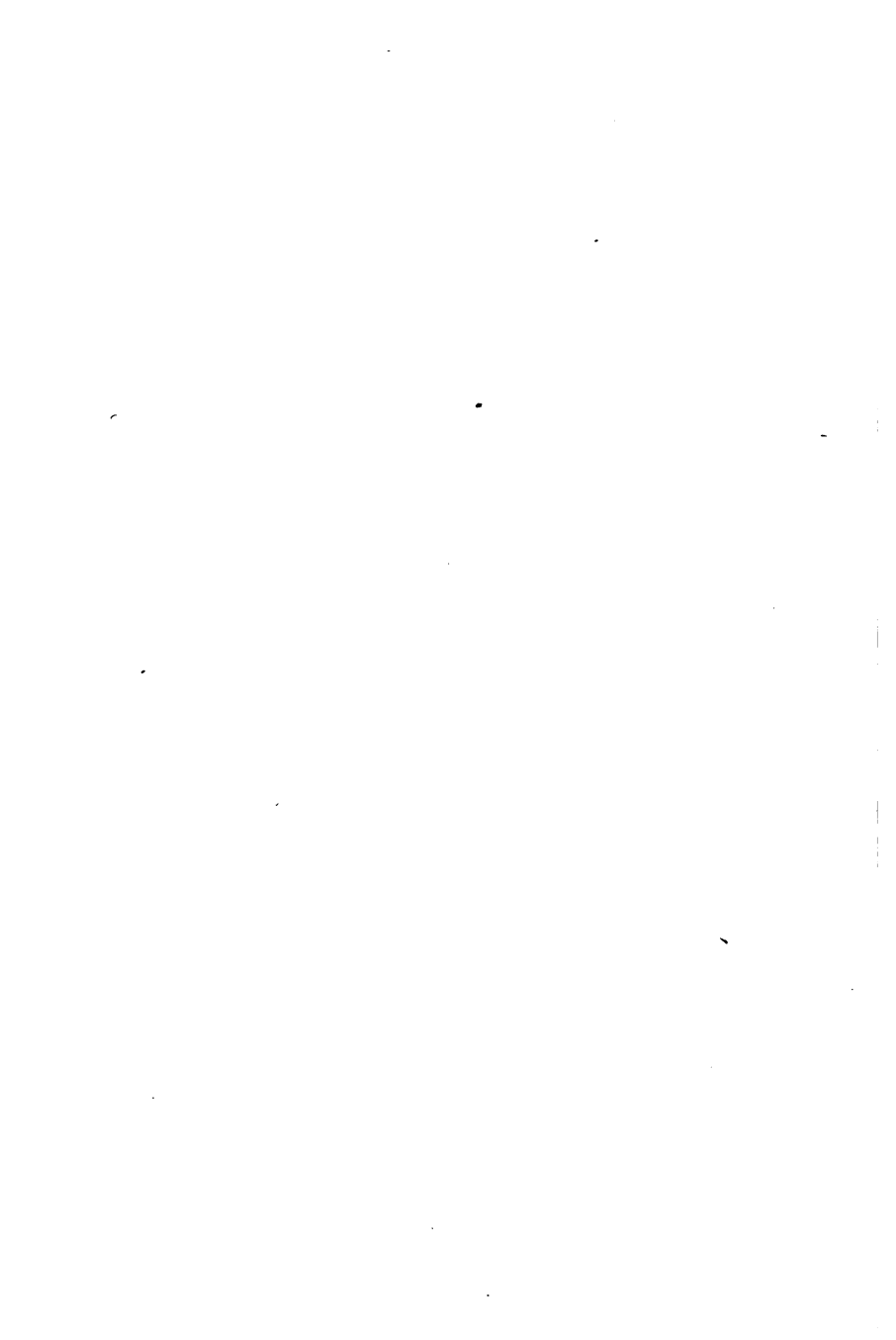
That no money shall be paid out of the treasury except in pursuance of an appropriation by law.

That the rule of taxation in said islands shall be uniform.

That no private or local bill which may be enacted into law shall embrace more than one subject, and that subject shall be expressed in the title of the bill.

That no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

That all money collected on any tax levied or assessed for a special purpose shall be treated as a special fund in the treasury and paid out for such purpose only.



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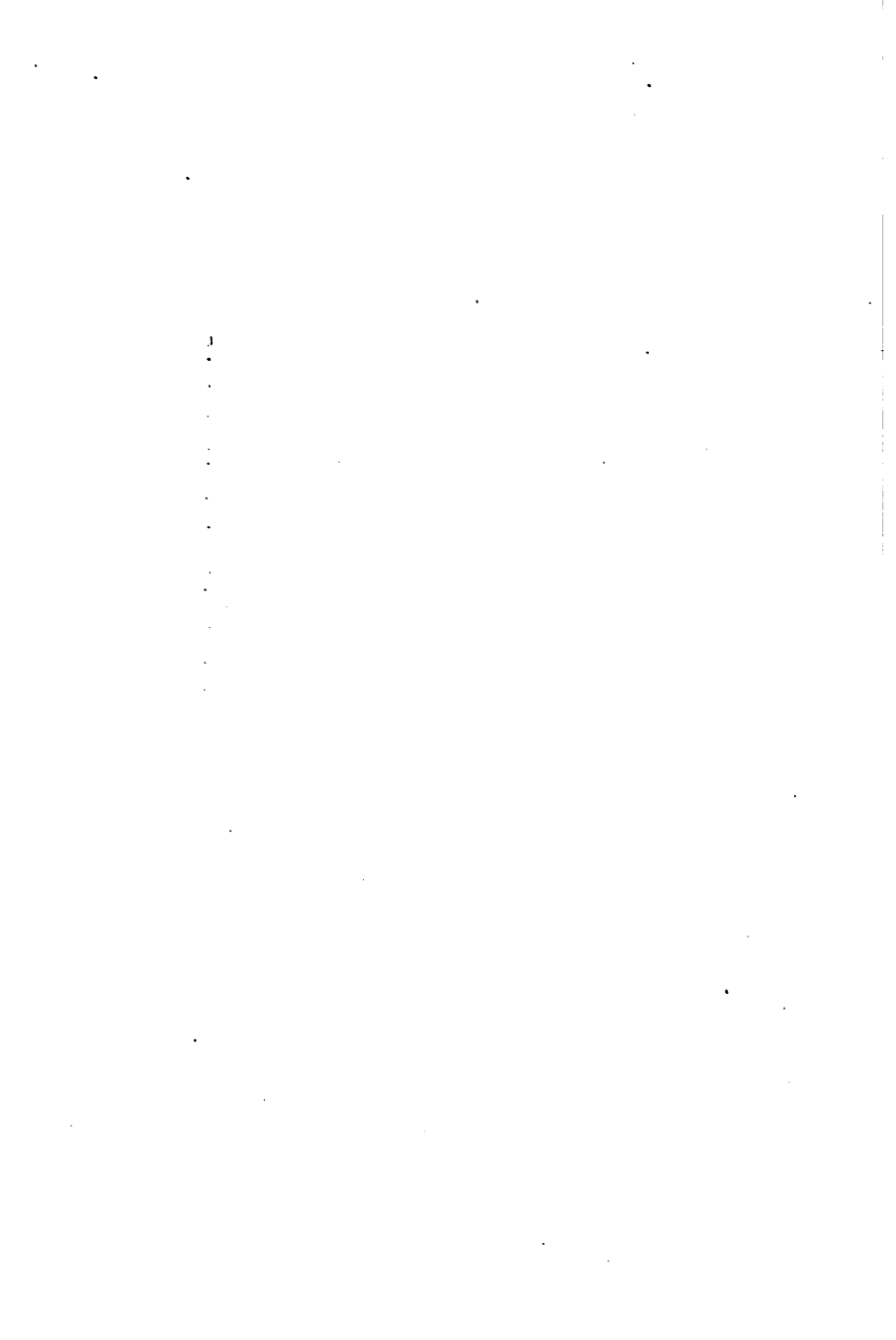
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